

be rewarding ourselves with regard to trade. The opening has already been given to China. We are the ones to whom they have agreed, if this happens, to lower tariffs on a number of our things that go there. It really doesn't change the situation much with regard to China. It gives us a better opportunity to do that.

We also argue about how we implement these changes. Are we more likely to bring about changes if we are part of a multilateral group such as the WTO or are we more likely to do it with the unilateral kinds of things for ourselves? I happen to believe we would be better off to have an organizational structure such as the WTO to go through to talk about some of the things we think are not being done properly. Does that mean we don't continue to monitor things such as human rights, that we don't continue to monitor things such as weapons proliferation? Of course not. The question really is, Do we go ahead with this bill as it is and at the same time go ahead and monitor the other things as well?

I am opposed to the Thompson amendment, which is an amendment to the bill to establish normal trade relations.

First of all, as I mentioned, I am chairman of the subcommittee that has jurisdiction over some of these issues. Neither the Foreign Relations Committee nor the Banking Committee has been afforded the opportunity to consider and debate this issue before it was brought to the floor. That is not the customary way to deal with issues that are as far reaching as this one. To bring it to the floor without going through the committees and giving the committees of jurisdiction the opportunity to consider it—the Banking Committee, as you know, which has jurisdiction over a portion of these kinds of arrangements, is very upset about this process.

We, of course, argue that under the time constraints it is most difficult. The House passed a bill to open normal trading relations. By the way, the Senate has done it every year for normal trading relationships. This is really a departure from what has been done. But certainly, if we amend it at this time in this session, we will have a difficult time getting it completed.

My first problem is jurisdictional, of course. It was introduced by Senator THOMPSON. We had plenty of time and could have done it in May. It could have gone through those committees. But it didn't go to either committee. Certainly the kinds of changes that would be made there would apply. We ought to have that kind of process and not limit the process entirely. The House, of course, has passed this bill by a large majority, and we need to move forward with it.

Aside from the jurisdictional concerns, I have a fairly large number of substitute concerns regarding issues of proliferation, and particularly the problem of transfers to Pakistan. I

don't believe this amendment will do anything to change the situation. Instead, it would turn us to the discredited, failed strategy of mandatory unilateral sanctions and annual votes on the status of China trade.

We have already talked a great deal, of course, about the passage of an amendment and the impact it would have on the relationship. I want to stress again that trying to work with China on some of those things does not make us oblivious to the things on which we disagree with them. Surely, human rights we are going to continue to champion.

Again, we have to consider how to best have an influence on bringing about change—change that has not occurred as completely as I would like. I can tell you from my experience that there is change. The more visibility the people of China have to the outside world—the fact of market systems, the fact that personal freedoms provide a much better way of life, it is becoming more and more evident. For years, of course, they have not had any opportunity to see what is going on in the world. For example, things have changed substantially in China. Now they see it. It is important to encourage changes that need to take place.

Of course, with respect to another statute that does something about proliferation, we already have numerous statutes available to the President. There is a long list, including the Export-Import Bank Act, the Arms Control Disarmament Act, the Arms Export Control Act, and the International Emergency Economic Powers Act. It goes on and on. They provide the very authority that is being talked about in some of these amendments. They are in place.

Someone said it gives the President the opportunity to decide and be flexible about it. Then the author—in this case, the Senator from Tennessee—assures Members that this also has a waiver and it gives the President the opportunity to change. We have very little reason to have more legislation in this area.

Finally, I vote against this amendment for the same reason I voted against all the amendments that preceded it. I am, along with the distinguished Senator from Delaware, Mr. ROTH, chairman of the Finance Committee, and many others, opposed to adding amendments that will, indeed, have the effect of delaying or killing the PNTR bill. Most any amendments would have that effect. I believe most of the Members of this body also believe that because each of the amendments that have been offered have not survived and have lost by a rather substantial vote. I hope we continue to do that.

It is pretty unrealistic while we are trying to complete the work of this Congress to think we can spend another week going back and forth in conference with the House and get this done.

I know there are justifiable differences of view. That is what this system is all about. We ought to talk about those. It is my view we have talked about them and there ought to be an end game so we can move on. We keep talking about the things we have to do, including 11 appropriations bills out of 13 that have not yet been passed. Several have not even been marked up. We have less than 3 weeks, 14 days, to work on these. We know very well that the President is going to create some obstacles to the completion of our work so he can have more leverage to get the kinds of spending he wants and put the pressure on the majority party in the Congress.

All these things are real and realistic and not unusual. I think we need to understand where we are. I think we need to take a look at the job we do have to do so the American people can continue to be served by those programs that are in the appropriations, that we continue to strengthen education, so we can do something about fairness and tax relief, so that we can move forward in moving some of this money to lower the debt. We ought to continue to work in seeking to get some of the pay back for strengthening Medicare so some of those reductions that have been made can be replaced so we have services in the country. I have particular interest in that as cochairman of the rural caucus for health care. Some of the small hospitals and small clinics need it to happen. We need to move forward and not spend 2 weeks on a repetitious review of the same issues. There comes a time we should move forward.

Therefore, I strongly urge we do move forward and that we do not amend the bill before the Senate. Conclude it and send it to a satisfactory signing at the White House and move forward on the issues facing the Senate.

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. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TO AUTHORIZE EXTENSION OF  
NONDISCRIMINATORY TREAT-  
MENT TO THE PEOPLE'S REPUB-  
LIC OF CHINA—Continued

AMENDMENT NO. 4129

Mr. SMITH of New Hampshire. Mr. President, very shortly there will be a vote on one of the divisions in my amendment to the PNTR legislation. This is a particular odious practice that occurs now in China called organ harvesting. It is hard to imagine that any nation in the world today would conduct activities as odious as this, but it does happen.

As we know from the debate that has been occurring on the permanent normal trade relations with China, most of the predictions are it is going to pass, perhaps overwhelmingly. I personally oppose the legislation. But if we are going to pass it, I believe we have an obligation to at least call to the attention of the rest of the world, and frankly to our own people here in America, the barbaric practices that are occurring in this country to which we are about to give permanent normal trade status.

Permanent is a pretty strong word. Permanent means permanent. Under the permanent normal trade relations bill, there is a process for monitoring the activities. There is a commission that is set up. My amendment is very simple. It says:

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.

So all my colleagues know, this amendment simply says the commission shall monitor these activities in China as best they can and report to the American people what they find. I believe very strongly it is wrong for us as a nation to look the other way and say it is OK to make money, to trade with China, sell our agricultural products, and ignore these types of human rights violations.

In the debate yesterday I discussed this briefly. We heard a lot about not delaying the bill. The House has sent us over a bill—which, by the way they amended, they added some things to the monitoring—and they sent it back to the Senate. Now many of my colleagues who are supporting PNTR are saying: Let's not delay this. If we agree to these amendments, the Smith amendment or the Thompson amendment or the Wellstone amendment or any other amendment that has been offered, we are going to delay the process. Maybe it is a good idea to call attention to the fact they are harvesting organs obtained unwillingly by executing prisoners, but we don't want to mess up the whole debate here. We do not want to mess up an agreement we have with the House.

We go to conference on hundreds of bills year after year. We are going to go to conference on 13 appropriations bills. It is what you do. That is why we have a House and a Senate. It is what the Founding Fathers wanted us to do. So if it takes a few days or a few hours—most likely a few minutes—to conference an amendment such as the one we are about to vote on, which I am about to speak on in a moment—if it takes a few minutes to have the House agree to it, so what. What is the big deal?

This is very disturbing. Yet my colleagues are saying to other colleagues: Don't vote for the Smith amendment, the Wellstone amendment, the Helms amendment, the Thompson amendment, or any other amendment because

it is going to require us to have to conference with the House, and therefore it might slow the bill down.

If we are giving permanent status to China, what is a few more minutes? If we pass it, the House passes it, we amend it here, send it over to the House this morning or this afternoon, by dinnertime the House agrees to it, puts it on the President's desk, he has breakfast tomorrow morning—has a glass of juice, coffee, whatever, a muffin—and then signs the bill. What is lost?

When we do that, we could get some of these amendments. This monitoring language we should have in this bill. To do otherwise, with all due respect to my colleagues, is simply to say: I am going to look the other way while organ harvesting takes place in China. We don't want to rock the boat. We don't want to offend the Chinese. We don't want to make anybody unhappy. We don't want to offend the House because they didn't put it in, so therefore we are not going to conference this. We don't want to rock the boat.

That is wrong. To put it bluntly, that is wrong.

Let me speak briefly about the content of my amendment. Organ harvesting, there was an expose done on this in 1997 by ABC News. This is not BOB SMITH talking. This is one of the three major networks that televised a documentary on the practice of organ harvesting in Communist China. In that documentary, in 1997, it depicted prisoners—these are not necessarily murderers. These are just prisoners. Some of them just put in there, actually charged with nothing—so-called crimes against the state. But it showed prisoners who were videotaped, lined up against a wall and executed with a bullet directly to the head. This, unlike a lethal injection, preserves the organs for harvesting.

The documentary also claimed the prisoners were executed on a routine basis. This was not an exception. Their organs were sold to people who were willing to pay up to \$30,000 for a kidney, for example.

Human rights organizations have estimated that at that time, the time the documentary aired, more than 10,000 kidneys alone—just kidneys, not to mention any other organs—10,000 kidneys alone from Chinese prisoners had been sold, potentially bringing in tens of millions of dollars to—guess where the money goes—the Chinese military. Does this sound like Huxley's "Brave New World" or what—executing prisoners to get their organs to get the money to the Chinese military.

The Chinese Government, as it does with most human rights abuses, denies this practice takes place. But it is important to keep in mind that China does not have a rule of law.

Prisoners are subject to arbitrary arrest and arbitrary punishment without due process. People of religious faith, environmental activists, human rights activists, opponents of coercive abor-

tion, student demonstrators, and anyone who appears to be questioning or challenging the Government of China is subject to harassment, intimidation, arrest, incarceration, including in the infamous laogai, or slave labor camps, and, in certain cases, execution.

When Tiananmen Square occurred in 1989, peaceful student protesters, including the sons and daughters of the Communist Party's elite, were mowed down, run over by PLA tanks. There are far fewer dissidents in China than there were 11 years ago after that experience.

Even the Falun Gong, which practices breathing and meditation exercises, has been subject to brutal repression by Chinese authorities, and many of these worshipers have disappeared in the Chinese gulags, and some have died in police custody—great candidates for organ harvesting.

ABC's report also found that Chinese nationals living on student visas were marketing these organs to Americans and other foreigners who had the funds to make a \$5,000 deposit and who then traveled to China to the People's Liberation Army hospital where they received a kidney transplant.

These kidneys are tissue typed and the prisoners are also tissue typed in order to achieve an ideal match. Think about that. Prisoners are executed, some of them for doing nothing more than protesting against the Government of China. They are sent to prison and executed so that people can pay up to \$30,000 for one of their kidneys or some other organ, and the money goes to the Chinese military.

I ask my colleagues, with all due respect—and I respect the rights of Members to exercise their own views and votes; of course, it goes without saying, but I ask you: Is it unreasonable to ask my colleagues to put this in the monitoring provisions of PNTR so that we can monitor these activities and report to the world what is happening? Is that so bad? If it delays this bill a few hours, if we have to conference it with the House—it is permanent—is that so bad?

We might save a few lives. The more the world knows about this, and the more world public pressure comes to the Chinese, we might save some lives. For the sake of a little time before we pass this bill that has been debated now for several days—it has been talked about for a year or two—is it so bad for my colleagues to vote to allow a commission to study and report on this? I ask them, is it really that big a deal for us to try to save people whose basic human right, the right to life, is being denied for the sake of organ donors? To make it worse, in some cases Americans are buying those kidneys, hearts, livers, and other organs.

U.S. law prohibits this activity. It is unlawful in the United States for "any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration for use in human transplantation if the transfer affects interstate commerce."

Congresswoman Linda Smith, before she left office, introduced a resolution 3 years ago which deplored this practice and called upon the administration to bar from entry to the United States any Chinese official directly involved in the practice of organ harvesting. It urged the prosecution of individuals engaged in marketing and facilitating these transplants under U.S. law.

There is no one in the House or Senate who would not recognize the name of Harry Wu, the renowned human rights activist and Chinese dissident who was arrested in China, detained, and finally released. Thanks to the work of Laogai Research Foundation, we are aware of ongoing Chinese engagement in organ harvesting of executed prisoners.

It is unreasonable, it is unfair for us to add this provision that will expose this to the world and say, once and for all, that it is wrong and that we are not going to allow ourselves to be dragged into saying that, for the sake of profit, for the sake of selling wheat, corn, rice, and other agricultural products, for the sake of greed and profit, we are going to ignore this? How can we do that in good conscience?

The sad part, frankly—the American people may not understand this—about what is happening in the Senate is that people are saying: Don't vote for the Smith amendment because that is going to slow the process down; don't vote for it.

It is not going to slow the process down enough to matter, and this is important. It is a commission. It is a study. That is all it is, and that is all we are asking.

Mr. President, I ask unanimous consent to print an article on incidents regarding organ harvesting in the RECORD.

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

[From the International Herald Tribune, June 15, 2000]

AN EXECUTION FOR A KIDNEY—CHINA  
SUPPLIES CONVICTS' ORGANS TO MALAYSIANS  
(By Thomas Fuller)

MALACCA, MALAYSIA.—The night before their execution, 18 convicts were shown on a Chinese television program, their crimes announced to the public. Wilson Yeo saw the broadcast from his hospital bed in China and knew that one of the men scheduled to die would provide him with the kidney he so badly needed.

Mr. Yeo, 40, a Malaysian who manages the local branch of a lottery company here, says he never learned the name of the prisoner whose kidney is now implanted on his right side. He knows only what the surgeon told him: The executed man was 19 years old and sentenced to die for drug trafficking. "I knew that I would be getting a young kidney," Mr. Yeo says now, one year after his successful transplant. "That was very important for me." Over the past few years at least a dozen residents of this small Malaysian city have traveled to a provincial hospital in Chongqing, China, where they paid for what they could not get in Malaysia: functioning kidneys to prolong their lives. They went to China, a place most of them

barely knew, with at least \$10,000 in cash. They encountered a medical culture where kidneys were given to those with money and a doctor could stop treatment if a patient didn't pay up. Surgeons advised them to wait until a major holiday, when authorities traditionally execute the most prisoners.

China's preferred method of capital punishment, a bullet to the back of the head, is conducive to transplants because it does not contaminate the prisoners' organs with poisonous chemicals, as lethal injections do, or directly affect the circulatory system, as would a bullet through the heart.

More than 1,000 Malaysians have had kidney transplants in China, according to an estimate by Dr. S.Y. Tan, one of Malaysia's leading kidney specialists. Many patients go after giving up hope of finding an organ donor in Malaysia, where the average waiting period for a transplant is 16 years. Interviews with patients who underwent the operation in China reveal how the market for Chinese kidneys have blossomed here—to the point where patients from Malacca negotiated a special price with Chinese doctors.

In 1998, two doctors from the Third Affiliated Hospital, a military-run complex in Chongqing, came to Malacca and spoke at the local chapter of the Lions Club about their procedures. Kidney patients worked out a deal with the doctors: Residents of Malacca would be charged \$10,000 for the procedure instead of the \$12,000 paid by other foreigners. It goes without saying that the kidney transplants these doctors perform are highly controversial. The Transplantation Society, a leading international medical forum based in Montreal, has banned the use of organs from convicted criminals. Human rights groups call the practice barbaric. But patients here who have undergone the operation in China say they were too desperate at the time to consider the ethical consequences. Today they are simply happy to be alive. The trip to Chongqing offered them an escape from the dialysis machines, blood transfusions, dizziness and frequent bouts of vomiting. And why, they ask, should healthy organs be put to waste if they can save lives?

"Ethics are only a game for those people who are not sick," says Tan Dau Chin, a paramedic who has spent his career working with dialysis patients in Malacca. "Let me put it this way: What if this happened to you?" Simon Leong, 35, a Malaccan who underwent a successful operation two years ago in Chongqing, says the principle of buying an organ is "wrong." "But I was thinking, I have two sons. Who's going to provide for them?" Corrine Yong, 54, who returned from Chongqing two months ago after a successful operation, was told that if she did not receive a transplant she would probably not live much longer. "I didn't have a choice," she says of her decision to go to China. For kidney patients in Malaysia the chances of obtaining a transplant from a local donor are slim. Despite an extremely high death rate on Malaysian roads—in a country of 22 million people, an average of 16 people are killed every day in traffic accidents—the organ donation system is woefully undeveloped.

Kidneys were transplanted from just eight donors last year. Thousands of people are on the official waiting list. Dr. Tan, the Malaysian kidney specialist, says the small number of donors in Malaysia is partly due to religious and cultural taboos. Malaysian Muslim families in particular are reluctant to allow organs to be removed before burial, although this is not the case in some other Muslim countries, such as Saudi Arabia, which has a relatively high number of donors.

Organ donation has always been an uncomfortable issue. The terminology is euphemistic and macabre: Doctors speak of "har-

vesting" organs from patients who are brain-dead, but whose hearts are still beating. And when the issue of executed prisoners come into play, transplants become politically explosive. "It is well known that the death penalty is often meted out in China for things that most people in Western countries would not regard as capital crimes," said Roy Calne, a professor of surgery at both Cambridge University and the National University of Singapore. Using organs from executed prisoners is not only ethically wrong, he says, but discourages potential donors to step forward in China: "If the perception of the public in China is that there's no shortage of organs you're not likely to get any enthusiasm for a donation program."

It is impossible to know exactly how many Asians travel to China for organ transplants. But data informally collected from doctors in at least three countries suggest the numbers are in the hundreds every year. Also impossible to confirm is whether all patients in China receive organs from executed prisoners and not other donors. But patients interviewed for this article say doctors in China make no secret of where the organ comes from. The day before convicts are executed—usually in batches—a group of patients in the hospital are told to expect the operation the next day.

Melvin Teh, 40, a Malacca businessman who received a kidney transplant from a hospital in Guangzhou two years ago, says doctors did not offer the names of the prisoners. "They just tell you it was a convict," he said. "They don't tell you what he did."

Mrs. Young says doctors told her that the donors were all "young men" who had committed "serious, violent" crimes. Chinese officials have admitted that organs are occasionally taken from convicts, but deny that the practice is widespread. "It is rare in China to use the bodies of executed convicts or organs from an executed convict," an official from the Health Ministry was quoted as saying in the China Daily in 1998. "If it is done, it is put under stringent state control and must go through standard procedures." That view does not jibe with the stories that patients from Malacca tell, where kidneys are essentially handed out to the highest bidders, often foreigners.

Mr. Leong, the Chongqing patient, and his wife, Karen Soh, who accompanied him to China, say money was paramount for the surgeons involved in the operation. They recounted how another Malaysian kidney transplant patient who suffered complications while in Chongqing had run out of cash. "They stopped the medication for one day," Mrs. Soh said, referring to the anti-rejection drugs. The patient was already very sick and eventually died of infection upon her return to Malaysia, according to Mrs. Soh. Patients say they are advised by friends who have already undergone a transplant to bring the surgeons gifts. Mrs. Young brought a pewter teapot and picture frame. Mrs. Soh and her husband brought a bottle of Martell cognac, a carton of 555 brand cigarettes and a bottle of perfume for the chief surgeon's wife. "They call it 'starting off on the right foot,'" Mrs. Soh said.

After the operation was complete, the couple gave two of the doctors "red packets" filled with cash: 3,000 yuan (\$360) for the chief surgeon, and 2,000 yuan for his assistant. Other patients also "tipped," although the amounts varied. It might be tempting to see the market for Chinese organs as part of the more general links that overseas Chinese have with the mainland. Many of the patients are indeed, ethnically Chinese and come from countries—Malaysia, Taiwan, Thailand—with either links to the mainland or large ethnic Chinese populations. Yet if the experience of Malaysian patients is any

indication, the tip to China provides a severe culture shock. Patients recalled unsanitary conditions, and for those who did not speak Mandarin the experience was harrowing.

Mr. Leong, who speaks little Mandarin, was helped by his wife who wrote out a list of phrases for her husband to memorize. The list included: "I'm feeling pain!" "I'm thirsty." "Can you turn me over?" Mr. Leong would simply say the number that corresponded to his complaint and the nurse would check the list. But more difficult than communicating is paying for the transplant. For the Leongs it involved pooling savings from family members and appealing for funds through Chinese-language newspapers. The cost of an operation amounts to several years' salary for many Malaysians. Yet despite financial problems and culture shock, all four patients interviewed for this article said they had no regrets.

Mr. Yeo enjoys a life of relative normalcy, maintaining a regular work schedule and jogging almost every day. He says he was so weak before his transplant that he had trouble crossing the street and climbing stairs. Four-hour sessions three times a week on dialysis machines were "living hell." Does it disturb him that an executed man's kidney is in his abdomen? "I pray for the guy and say, 'Hopefully your after life is better,'" Mr. Yeo said. And has he ever wondered whether the prisoner might have been innocent? Mr. Yeo pauses and stares straight ahead. "I haven't gone through that part—the moral part," he said. "I don't know. I can't question it too much. I have to live."

#### WANG CHENGYONG: BROKERING CHINESE ORGANS FOR AMERICAN PATIENTS

In February of 1998, an acquaintance informed Harry Wu of a man named Wang Chengyong who was attempting to arrange kidney transplants for U.S. patients in the People's Republic of China. Wu videotaped conversations with Wang, a former prosecutor from Hainan Province in China, who was attempting to sell kidneys from executed prisoners in China to potential recipients in the U.S. Wu turned over the video material to the FBI, who conducted their own sting operation and arrested Wang.

Mr. Wu participated in several taped conversations with Wang Chengyong discussing the possibility of organ procurement involving executed Chinese prisoners. In these conversations, Harry Wu posed as a doctor from Aruba whose patients were waiting for kidney transplants. Their conversations revealed the entire process by which organs of executed prisoners from China's Laogai are harvested and used in transplant operations. [All quotes and information in reference to conversations of Harry Wu and Wang Chengyong can be found in the transcripts from case files of The United States of America vs. Cheng Yong Wang, United States District Court, Southern District of New York, government exhibit 1T.] This evidence confirms the testimonies and reports from many human rights organizations that have reported on this practice in years past.

#### A PROSECUTOR'S VIEW OF THE ORGANS TRADE

In conversations negotiating potential organ deals, Mr. Wang revealed many details regarding his own role as a prosecutor within the process of conviction and execution of Chinese prisoners, and how officials at all levels within this process collaborate to harvest the organs of the prisoners they execute. He stated that it could be arranged for a doctor to come into the detention center to perform blood tests on prisoners prior to their execution, matching their blood with potential donors and ensuring that they were in good health. These would be the same doctors who would administer a shot of anti-co-

agulants directly before a prisoner was shot to ease the process of organ retrieval.

Mr. Wang informed Mr. Wu that he should prepare his patients for travel to China around the time of a national holiday. "Executing criminals during the holidays can frighten criminals and maintain social safety," Wang explained. "Back in China, there will definitely be executions before May 1st (Chinese National Labor Day), there is no question about that. I have done that for a long time . . . In China, every year their death-row prisoners total like over 40% of the whole world's. Execution by shooting happens a lot. Every year, right before the four festivities take place, a group of people will surely get killed, one hundred percent. It has been going on like this for decades." When patients arrive in China, there would be no problem to arrange a spot in a hospital where the operation would be performed. The Public Security Bureau informs the hospital of execution dates, allowing doctors to predict the time of an operation. Such prediction is completely unheard of in other hospitals where organs come from donors who must first sign their consent for donation and then die of natural causes before their organs can be removed.

Organs are harvested at the sight of execution. Mr. Wang referred directly to Chinese regulations that forbid vehicles that are market as ambulances from entering execution grounds. [On October 9, 1984, a joint regulation was signed entitled The Provisional Regulations of the Supreme People's Court, the Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Public Health, and Ministry of Civil Affairs on the Use of Dead Bodies or Organs from Condemned Criminals. The document stipulates that "Vehicles from medical institutions may be allowed to enter into the execution ground to remove organs, but vehicles displaying the logo of medical institutions are not be used."] Instead, the marked vehicles wait directly outside the execution area and within minutes after the shot is fired, they are permitted inside to retrieve organs from the executed prisoners. Mr. Wang describes the process as follows: "Regarding the coordination by the hospital, that is, we must tell them about the situation ahead of time. . . . When the time comes, the hospital's vehicle will follow the execution vehicle, from behind. However, the hospital vehicle can't enter within the warning security line, they can only park outside of the line. But once the gun shot is heard . . . the medical vehicle will come in, arriving on the site. And if there's anything that can be done on the scene, do that or just bring it back to the hospital." Mr. Wang affirmed that due to this efficient process of retrieval and transport, the organ is only out of the body for a few short hours, preserving its quality. In the US where organs must be retrieved from whatever location a donor happens to die, doctors are often forced to preserve organs outside the body for longer periods of time.

#### THE ISSUE OF CONSENT

In his conversations with Harry Wu, Wang Chengyong also mentions the issue of consent. According to Wang, consent must only be asked of the accused's family members. If the family gives consent, authorities are free to do what they will with the body after execution. If they refuse their consent, they will be bribed and coerced until they give in. If a criminal has no family, as Wang states the job is easier still because then consent is of no issue whatsoever. When asked about consent of the prisoner, Wang responds, ". . . in China this thing is different from the United States, regarding this issue of dead people's organs . . . Death penalty prisoners who are

being executed . . . have lost all their political rights." In reference to family consent, Wang states, "as long as one gets the family's consent, and if there is no family, once he is executed, we'll just directly take the corpses away . . . It is not necessary to tell them about taking their organs."

Due to the phenomenon of migrant labor entering cities all over China, many prisoners have no family in the province where they were arrested. Wang Chengyong estimated that in the prisons of Hainan (one of China's booming "special economic zones") where he had served as a prosecutor, that about one quarter of prisoners had no family in the province. Regarding these migrants, Wang says, "say you are a wandering criminal . . . And once you wandered to Hainan, you got arrested and you'll be killed over there. Before you are killed, your family members will be notified . . . But the family members may not necessarily come to collect the cadaver, he may not have any family members at all."

#### COLLABORATION IN THE ORGAN HARVESTING PROCESS

In China today, this blatant violation of international standards of medical ethics and human rights law is manipulated to create a moneymaking enterprise for all parties involved. As a former prosecutor, Wang Chengyong also benefited from his role in the process, and spoke of how everyone receives their own payoff in collaboration for organ retrieval. Wang named these separate parties as follows: "these are the several aspects, the Public Security Bureau, the procuratorate, the court, the judicial organization, plus hospitals and the families. Let us say, there ought to be these six aspects." In negotiations with Mr. Wu, Wang mentions each of these parties and calculates a large amount of money that he will take from any individual coming from the U.S. to China seeking a transplant operation. As all these governmental units collaborate to make this process possible, this amounts not to black market oriented scandal, but an effort that is sanctioned, coordinated and carried out by the Chinese government.

Many of Wang Chengyong's most chilling statements involve the vastness of China's system of removal of organs from executed prisoners for use in transplant operations. According to many of Wang's statements, this procedure is highly common in China and well known among all participating levels. He even brags about the execution procedures in Hainan Province that are especially conducive to kidney harvesting. He says, "In Hainan, they shoot at the heart, from the back. And they have court doctors to confirm . . . where the bullet enters. Once shot, the bullet will just go through the heart . . . the heart and the kidney, they are far from each other. The shots will not be off target, lest damaging the kidney." He also quickly and easily estimates that there will be at least 200 executions in Hainan Province every year and that he personally can gain access to kidneys and other body parts from at least fifty of these 200. He tells Mr. Wu, "Chinese hospitals do not lack for cadavers . . . in China there are too many executions by shooting. The medical schools can just get them any time they want . . . China is not lacking in corpses." Later he once again emphasizes this point, "China has no lack of this . . . China lacks other things. China has lots of people, lots of death-row prisoners."

As Wang Chengyong attempted to profit from the harvesting of organs from this seemingly limitless supply of death-row prisoners, he mentions the possibility of procurement of kidneys, corneas and other body parts. He is an integral part of a system that perpetuates this practice all over China to

the profit of Chinese governmental officials and adding one more gruesome example to the list of human rights violations that occur in the Chinese Laogai system.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to vote for the Smith amendment on organ harvesting. Do not listen to the talk on the floor that we need to stay together on PNTR and not have any amendments which might slow down the process. I urge my colleagues to vote yes not only on the Smith amendment but other amendments that are offered by colleagues that will expose some of the basic human rights violations that have occurred in China and are still occurring in China. It is wrong to look the other way and to sanction it while we provide aid, food, and trade to this nation.

Mr. President, I yield the floor and 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. ROTH. 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. ROTH. Mr. President, I rise in opposition to this proposal offered by my distinguished colleague from New Hampshire. I must do so because its passage will endanger H.R. 4444, not because of the sentiments expressed in the proposal.

As the State Department Human Rights Report of 1999 states, in recent years there have been credible reports that organs from executed prisoners in China were removed, sold, and transplanted. Chinese officials have even confirmed that executed prisoners are among the source of organs for transplant. Of course, they maintain that they get the consent of prisoners or their relatives before organs are removed.

Needless to say, China's organ harvesting practices are as gruesome as they are indefensible. But ending trade with China is unlikely to force the Chinese to change their behavior in this area. Indeed, by opening China to trade and to global standards of economic behavior we may well prod China to abandon its practices regarding organ harvesting.

Let us remember as well that H.R. 4444 establishes a congressional-executive commission on China which I believe holds promise for pressuring China to curb its human rights abuses, including the grotesque practice of harvesting organs.

Therefore, Mr. President, I must urge my colleagues to vote against this proposal.

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. ROTH. 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. LEVIN. Mr. President, the Smith amendment would require the Congressional-Executive Commission on the People's Republic of China to monitor the actions of the Government of the People's Republic of China with respect to the harvesting of organs from executed prisoners. I believe the allegations that Chinese officials harvest organs from executed prisoners are extremely serious. However, the Congressional Executive Commission already has jurisdiction to look at this practice because it is a human rights violation and the Commission has jurisdiction to monitor and report on human rights violations in the PRC. This very serious allegation should not be singled out among all the human rights abuses of the Chinese government when it is already covered as part of what the Commission can monitor and report on.

VOTE ON AMENDMENT NO. 4131

Mr. ROTH. Mr. President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Byrd amendment No. 4131. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Arizona (Mr. MCCAIN) are 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 33, nays 62, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—33

Abraham	Helms	Santorum
Ashcroft	Hollings	Sarbanes
Bayh	Hutchinson	Sessions
Bunning	Hutchison	Shelby
Byrd	Inhofe	Smith (NH)
Campbell	Kennedy	Snowe
Collins	Kohl	Specter
DeWine	Leahy	Thompson
Edwards	Levin	Thurmond
Feingold	Mikulski	Torricelli
Gregg	Rockefeller	Wellstone

NAYS—62

Allard	Dodd	Kerry
Baucus	Domenici	Kyl
Bennett	Dorgan	Landrieu
Biden	Durbin	Lautenberg
Bingaman	Enzi	Lincoln
Bond	Feinstein	Lott
Boxer	Fitzgerald	Lugar
Breaux	Frist	Mack
Brownback	Graham	McConnell
Bryan	Gramm	Miller
Burns	Grams	Moynihan
Chafee, L.	Grassley	Murkowski
Cleland	Hagel	Murray
Cochran	Harkin	Nickles
Conrad	Hatch	Reed
Craig	Inouye	Reid
Crapo	Johnson	Robb
Daschle	Kerrey	Roberts

Roth	Stevens	Warner
Schumer	Thomas	Wyden
Smith (OR)	Voinovich	

NOT VOTING—5

Akaka	Jeffords	McCain
Gorton	Lieberman	

The amendment was rejected.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4129, DIVISION VI

Mr. ROTH. Mr. President, I ask for the yeas and nays on the Smith amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4129, division VI. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Arizona (Mr. MCCAIN) are 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 (Mr. BURNS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 29, nays 66, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—29

Abraham	Gregg	Mikulski
Ashcroft	Hatch	Santorum
Bunning	Helms	Sarbanes
Burns	Hollings	Sessions
Byrd	Hutchinson	Smith (NH)
Collins	Inhofe	Snowe
Craig	Kennedy	Specter
DeWine	Kohl	Thompson
Dorgan	Kyl	Torricelli
Feingold	Leahy	

NAYS—66

Allard	Enzi	McConnell
Baucus	Feinstein	Miller
Bayh	Fitzgerald	Moynihan
Bennett	Frist	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grams	Reed
Boxer	Grassley	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hutchison	Rockefeller
Campbell	Inouye	Roth
Chafee, L.	Johnson	Schumer
Cleland	Kerrey	Shelby
Cochran	Kerry	Smith (OR)
Conrad	Landrieu	Stevens
Crapo	Lautenberg	Thomas
Daschle	Levin	Thurmond
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Durbin	Lugar	Wellstone
Edwards	Mack	Wyden

NOT VOTING—5

Akaka	Jeffords	McCain
Gorton	Lieberman	

The amendment (No. 4129), division VI, was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. 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 Delaware, Mr. ROTH.

Mr. ROTH. Mr. President, I ask unanimous consent that I be recognized at 1:45 p.m. today to call for the regular order with respect to the Thompson amendment No. 4132.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. With this agreement in place, all Senators should know that a motion to table the Thompson amendment will occur at approximately 1:45 p.m. Therefore, the next vote will occur at approximately 1:45 p.m. today.

I now ask unanimous consent that time prior to votes relative to these amendments be limited to 1 hour equally divided per amendment, with no second-degree amendments in order prior to these votes. The amendments are as follows: Helms No. 4123, Helms No. 4126, and Helms No. 4128. I further ask consent that Senator HELMS be recognized at 2:30 p.m. today to begin debate on amendment No. 4128 regarding forced abortions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

#### AMENDMENT NO. 4132

Mr. THOMPSON. Mr. President, we have had a good debate over the last 2 or 3 days on the amendment Senator TORRICELLI and I have set forth. We have had a good discussion about the continued reports we have that the Chinese, Russians, and North Koreans continue to litter this world with weapons of mass destruction. And it endangers our country.

Bipartisan groups all across the board, just over the last 2 years, continue to remind us of this threat that is growing—it is not diminishing; it is growing. These same people tell us that the key suppliers are these three countries.

As late as 1996, we were reminded, once again, that the People's Republic of China was the worst proliferator of weapons of mass destruction in the entire world. We have had a good discussion on that. We have had a discussion about the fact that the leaders of the PRC have told us they are going to continue to do that, whether we like it or not, as long as we talk about protecting ourselves with a missile defense system and as long as we continue to befriend Taiwan.

We have sent three delegations of distinguished Americans and leaders, the Secretary of Defense, the Secretary of State, high-level people, to try to get them to relent and stand down from activities that endanger us, our children, and our grandchildren and make this world a more dangerous place. The

leadership of the Chinese Government give us basically the back of their hand. They make no pretense that they are not going to act any differently in the future.

So the issue presented to us is: Are we, the United States of America, the most powerful country in the world, going to do anything about it? That is the issue before us today.

We have set forth an amendment which basically tracks a lot of legislation that is already on the books in terms of cutting off military-related items and dual-use items to these governments if they are caught in this activity. But what we add is a more extensive reporting requirement so we have a better understanding and a more detailed understanding than the reports we receive now give us.

Under our amendment, it makes it a little bit more difficult for a President to game the system. The President, of course, has been quoted as saying that when the law requires him to impose sanctions on a country that he does not want to impose on them, sometimes he has to fudge the facts, and the law makes him do that. That kind of attitude, when they are caught sending M-11 missiles to Pakistan and they are caught sending the ability to enrich uranium to go into nuclear materials—they are caught doing all that, with no sanctions imposed—all of that has resulted in a more dangerous world, not a new relationship built upon trust and friendship and a strategic partnership—a more dangerous world.

So this is a good debate. My friends who oppose this amendment say all that may be true, we may be facing a situation where these nations, including China, are conducting themselves in a way that is detrimental to our interests; they may be making the world a more dangerous place, and especially the United States. If these rogue nations have the ability to hit countries with their missiles, containing biological weapons that are indescribable in their effect, I doubt if it is going to be Switzerland they choose to threaten with this type weapon. We are on the front line. We have a right to be concerned.

Apparently we are concerned, because we are now in the midst of a debate on a national missile defense system because of this very threat. Yet as we consider this new trading relationship with China, some of us are refusing to consider the fact that China is one of the primary reasons we have this threat because they are supplying these rogue nations with this weaponry.

There is no need to go through the list again and again and again and again, the public list—not to mention the classified list that cannot be disclosed—of proliferation activities and the charts we have shown about the missile technology they are sending and the missile components they are sending—our CIA reports indicate the missile activity with regard to Paki-

stan is increasing. Practically on the eve of the vote for this new strategic relationship, this new partnership that is going to enrich us, they are blatantly increasing their activity. This is what we are facing.

It has been a good discussion. I disagree with my friends who think even though we have this facing us, we should put it aside for another day. We don't have a solution. We haven't done anything in the past. There is no reason to think we are going to do anything about it in the future. There is certainly no reason for the Chinese Government to think we are going to do anything about it in the future.

Wait for our friends and our allies to come together so we can have a multilateral approach. That sounds pretty good, but how long has it been since we have had a multilateral approach on anything? We don't have the ability in this country anymore to rally our allies as we once did, much less do something that might cost them some trade dollars.

We have a threat to this country. Clearly a multilateral approach would be preferable, but if we can't do that, as we obviously can't because we haven't, then we have to take action on our own.

So what do we do? Cut off agricultural products? Cut off trade across the board? Cut off automobiles and all that? No. If they are caught doing that, we cut off military equipment. We cut off dual-use items and others of that nature. We tell them their companies can't continue to use the New York Stock Exchange to raise billions of dollars when our Deutch Commission tells us that some of the worst proliferators, these companies that are doing this activity that are owned by the Chinese Government, are raising billions of dollars in our stock market. Does that make sense? Surely we have peace and prosperity now, but how long are we going to have it? How long can we be oblivious to what is going on around us?

We are having this debate. Reasonable people can disagree. Some say we should not get all this caught up in trade policy; We should keep our focus on trade; that trade is important; that we need to not complicate the trade issue. No one here has had a more consistent record than I in terms of free trade. I believe in it; whether it is NAFTA or fast track for President Clinton, I believe in it. Free trade can lead to open markets. Open markets can lead to more open societies. Eventually, in the long run, it can have a beneficial effect. I think it is going to be a much longer run in China than a lot of people think, but that is another story. I am for that.

This is different. This is not just a trade issue. In fact, it is not a trade issue at all. It should not be lumped in as a trade issue. I tried my best to get a separate vote on our amendment for 2 months. The supporters of PNTR apparently thought it would be easier to

defeat me if they forced me on to this PNTR bill. So that is where we are. So be it.

But this is a national security issue. Some would say this is one of those rare circumstances that we see every once in a while where we have legitimate free trade interests we want to promote and expand, even with those who are guilty of human rights violations, even with people with whom we strongly disagree, even with people who proliferate.

I intend to support PNTR. But what Senator TORRICELLI and I are saying is that along with that, not in opposition to that, or not as substitute for that, we must take into consideration the totality of our relationship with this country because they are doing things that are dangerous to this Nation. That is the primary obligation of this Nation. The preamble to our Constitution says the reason we even have a Government is to look after matters such as this.

It is a good debate. We have had a good back and forth for the most part. We steer off course a little bit every once in a while. Unfortunate statements are made on all sides, but that happens when issues are important. We spend enough time around here on things that are not important. It is kind of rejuvenating when we are actually talking about something that is. I can't think of anything more important than this.

But it has taken on a new dimension. This issue has taken on a new dimension now because what we have seen is unprecedented lobbying and pressure efforts to defeat the Thompson-Torricelli amendment. I hope we don't flatter ourselves with that assessment. Lobbying and pressure are fairly common around here. People have a right to express their opinions.

But on this issue—not on any of these other issues, apparently, but on this issue—it has brought out those who fear that in some way some trade might be affected. Never mind that we have taken agriculture and American businesses off the board; they are not involved in this at all. Never mind that it is not a general goods sanction or anything such as that that we are narrowly focused on here. They just believe that in some way it might irritate the Chinese and they might retaliate in some way. We can't afford to irritate them. What we need to do is continue down the road of giving them WTO, give them veto power on our national defense system, turn a blind eye to their theft of our nuclear weapons, turn a blind eye to the proliferation activities, go over to Taiwan, adopt the three noes the Chinese want us to do and put our allies in Taiwan in a nervous state. We need to continue down that road because it has gotten us so far, it has done so much for us, that is the way we need to continue.

I picked up the New York Times this morning and read in an article by Eric Schmitt the lead paragraph:

Corporate leaders and several of President Clinton's cabinet officers intensified pressure today on wavering Senators . . .

All you wavering Senators out there, I extend my condolences because apparently corporate leaders and the White House have stepped up the pressure. I don't know why. They have said all along they have the votes to beat Thompson-Torricelli. I don't know why all of the nervousness. I don't know why all of the intensity. The President now has sent out a letter that says, among his complaints, that our amendment is unfair. I assume unfair to the Chinese Government. That is such a remarkable statement, I don't think I even need to reply to it.

He also has a problem because he says they have joined the nonproliferation treaty. They have joined the Chemical Weapons Convention. The Chinese Government has joined the Biological Weapons Convention and the Comprehensive Nuclear Test-Ban Treaty. The only problem with that is they have routinely violated every treaty they have ever joined. And they won't join the ones that require safeguards so people go in and inspect these facilities. He complains that it applies a different standard for some countries. Well, yes, it does. Why is that? Because our intelligence agencies have identified certain countries as being key suppliers of weapons of mass destruction. Do we not have a right to identify them and single them out? Have they not earned that privilege?

I think the integrity of the Senate is at stake with this kind of pressure being brought to bear on a matter of national security by those who do not know anything about issues of national security.

Many of my colleagues here, of course, are experts in this area—some of them. But these folks who call themselves corporate leaders—and I don't think there are many of them, but they are very intense and are interested in trade, so more power to them—apparently now they have taken on additional portfolios. They have responded to a higher calling involving issues of war and peace. Now they advise us as to what we should or should not do with regard to these proliferation issues.

Why do I say that the integrity of the Senate is at stake, and that there are those out here who on this vote are trying to emasculate the process with the proposition that the House can act, and when they act and put in all of their favorite causes, justified as they are, including Radio Free Asia and things such as that, which they try to express a concern about and all that, and God bless them, that is fine; but it comes over to the Senate and we are supposed to rubberstamp whatever it is that is in that House bill.

Why is that? Even though this is such an overwhelmingly obvious boon to the United States, they are fearful that if we add our concerns about nuclear proliferation to that list of items,

if it goes back to the House, even though they won by a 40-vote margin, at the last minute people going into an election will switch their votes. They will look at our bill and say: My goodness, it has a proliferation aspect to it and we can't vote for that.

Ridiculous. It would not be 24 hours before the deed would be done. That battle has been fought and won. We are going to pass PNTR. The real question is, Are we going to relent to the pressure being applied?

Exhibit B is the same New York Times article:

Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

In case anybody thinks they misheard what I said, let me read that again:

Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

You know, it would be comical if it were not so serious. One of my great disappointments in this debate is that there have been some business leaders who have been drawn into this who really have no dogs in this fight because their businesses are not even affected, but they have been told they are affected. They put their blinders on and they justly argue the benefits of trade. But they resent it, when we have been elected by the entire population—people who are not corporate leaders—when we address in addition to that matters of national security.

That is very disappointing. It should not be that way. I don't think some of these people really represent who they pretend to represent. I don't know of anybody who has a better record of voting with the Chamber of Commerce position than myself, whether it be taxes or regulation or any of those matters. Some of my friends in the Chamber of Commerce in Tennessee are here. I haven't talked to them yet. But I will bet you that to a person they will say: Thompson, we elected you to look out for these things. We are for trade and we want trade, but if you think that in addition to that we need to send a signal about people who are making this a more dangerous world for our kids, you send that signal; we expect that of you. And if by some unforeseen circumstance we lose a dollar, so be it.

I think that is the way most people think. I think that is the way most businessmen and businesswomen think. I think that these little people who strut around up here making implied threats on campaign contributions and warning us of how we ought to vote for this, that, and the other, who don't know what they are talking about, need to be taken down a notch or two. I haven't been around here very long, but I have never seen anything such as that. He is warning of those who allow these folks to get tangled up in the politics of nuclear proliferation. That is

the small-mindedness we deal with here regarding this statement.

I feel sorry for the men and women out there in all the Chambers of Commerce around this country, to have this kind of representation in the New York Times and how people think that that represents their idea of the priorities that we have in this country. The lobby is intense. I assure you it is on one side.

You will not see the Halls littered with people out here saying "keep our country safe." There are no lobbyists being paid to do that. No one makes any money off of our amendment. There are no tanks bought; there is nothing sold. All of the lobby, all of the pressure, all of the threats are on one side. So why it would be that the opponents of our amendment who claim they have the votes don't want to even give us a vote is something that perhaps ought to be contemplated.

Could it be that people really don't want to go on record because they realize they are casting their fate to the good graces of the leadership of the Chinese Government—and they have a consistent pattern of this activity and we catch them from time to time? It is going to continue and we are going to continue to catch them. Could it be that some people don't want to have cast a vote against a modest attempt for a better reporting requirement, a more transparent process, giving Congress an opportunity, in unusual circumstances, to have their say?

Again, there are two issues here now, it seems to me. One is on the merits and another is the integrity of the Senate and how we are going to handle this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

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

Mrs. FEINSTEIN. Yes.

Mr. GRAMM. Mr. President, I ask unanimous consent that when the Senator from California finishes, I be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Reserving the right to object, if the Senator will amend the request that I be recognized following him, I will not object.

Mr. BIDEN. Reserving the right to object, I would like to follow the Senator from New Jersey, as well. I have been waiting.

Mr. MOYNIHAN. Mr. President, might the chairman present a request in writing as to the timing? I think we can get that up right quick.

Mr. ROTH. In the meantime, let the Senator from California proceed.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to oppose the Thompson amendment, and then I hope I can make a few comments on what I believe to be one of the most important pieces of legislation on which this Congress will be vot-

ing. Let me begin by saying this. If I believed this amendment would keep our country safe, I would vote for it. I do not believe that is the case. Rather, I believe the amendment is deeply flawed and it has major procedural and review problems. I want to point those out.

Let me say, first of all, to most of us, the draft of this amendment was available Monday night, a little more than a day ago. Yet it is a major, long-range piece of legislation that has major implications for national security, for peace, and stability in the Asia Pacific region. To pass it without careful analysis, without full hearings, and without careful judgment is something to which I am not willing to be a party. There have been no hearings on this or any draft of this legislation. The National Security Council and the State Department have not had the opportunity to provide a full analysis of this latest version of the amendment or assess its likely short- and long-term impact.

I am one of those who believes it would, in fact, doom giving China permanent normal trading status. I am simply not willing to do that. Most importantly, from what I have been able to perceive, I believe the legislation has serious flaws.

First, it focuses on three countries. It separates them from all the other countries. It applies a standard to them that exists for no one else. And I do not believe that is in the best interests of sound decisionmaking.

Second, the mandatory sanctions put in place by this amendment have hair triggers which are tripped by minimal evidence—indeed not necessarily even evidence. The raw intelligence data that provides the "credible information" trigger of this amendment requires followup, substantiation, and analysis before it is used to initiate action. It should be the starting point for processes that weigh options and consider appropriate action, not an end point that instantly triggers strong responses.

Let me give you one example: In 1993, the Yin He incident, where based on "credible information" the United States publicly accused China of shipping proscribed chemical precursors to Iran. The Chinese freighter in question was diverted and every single container searched, at great cost and inconvenience to all involved. There were no banned chemicals aboard. The Thompson amendment would have mandated sanctions.

Second, there is no way to target the sanctions which would be triggered by this amendment, and no effective Presidential waiver for national security interests. It is a blunt instrument more likely to hurt American interests than to change China's behavior.

Third, the amendment invites diplomatic and, yes, maybe even legal problems with other countries, including allies. The amendment as drafted could create a situation whereby sanctions

would be placed on corporations of allied countries that are not acting illegally.

Fourth, especially chilling is the way in which the amendment's wording could, in effect, blacklist any company tagged as a proliferating agent under this amendment's low standard of proof.

These are just a few of the examples of some of the problems with this amendment. Several of my colleagues have discussed other shortcomings at greater length.

Automatic sanctions set off by low thresholds of evidence offer little to entice allies to join us in implementing an effective sanctions regime, but they most certainly will damage U.S.-China relations. They most certainly will weaken our ability to engage the Chinese in any kind of worthwhile dialog or influence them to change their behavior.

I urge my colleagues to join me in opposition to this amendment.

Let me, if I might, say a few things about the bilateral agreement that really is the issue before us today. I reviewed it carefully, and I believe that in this agreement China has made significant market-opening concessions to the United States across virtually every economic sector.

For example, on agricultural products, tariffs will drop from an average of 31 percent to 14 percent by January of 2004. Industrial tariffs will fall from an average of 24.6 percent in 1997 to 9.4 percent by 2005.

China agrees to open up distribution services, such as repair and maintenance, warehousing, trucking, and air courier services.

Import tariffs on autos, now ranging between 80 percent and 100 percent, are broken down to 25 percent by 2006 with tariff reductions accelerated.

China will participate in the Information Technology Agreement and will eliminate tariffs on products such as computers, semiconductors, and related products by 2005.

It will open its telecommunications sector, including access to China's growing Internet services, and expand investment and other activities for financial services firms.

The agreement also preserves safeguards against dumping and other unfair trade practices. Specifically, the "special safeguard rule"—to prevent import surges into the United States—will remain in force for 12 years, and the "special anti-dumping methodology" will remain in effect for 15 years.

No matter how you look at it, this benefits the United States.

I think many people have confused this PNTR vote with a vote to approve China joining the World Trade Organization. It needs to be understood that China will likely join the WTO within the next year regardless of our action. The issue will, in fact, be decided by the WTO's working group and a two-thirds vote of the WTO membership as a whole.



Under WTO rules, only the countries that have “nondiscriminatory” trade practices—that is PNTR—are entitled to receive the benefit of WTO agreements. Without granting China permanent normal trading status, the United States effectively cuts itself out of China’s vast markets, while Britain, Japan, France, and all other WTO nations are allowed to trade with few barriers.

In my view, this has been an interesting exercise because it has been highly politicized. The bottom line is if we don’t grant China PNTR based on the November bilateral agreement, an agreement in which the United States received many important trade concessions and gave up nothing, we effectively shoot ourselves in the foot. We take ourselves out of the agreement, China still goes into the WTO, and those other strategic trading blocks such as the European Union receive the benefits of the bilateral agreement. We do not.

I think it is much broader than this. But I think there is an ultimate issue at stake. That is this: The People’s Republic of China is today undergoing its most significant period of economic and social activity since its founding 50 years ago. The pace is fast and the changes are large.

I am one who studies Chinese history. I have been watching China for over 30 years. I made my first trip in 1979. I try to visit China every year, if I can, and I have watched and I have seen.

In a relatively short time, China has become a key Pacific rim player, and a major world trader. It is a huge producer and consumer of goods and services—a magnet for investment and commerce. Because of its size and potential, the choices China makes over the next few years will greatly influence the future of peace and prosperity in Asia.

In a very real sense, the shaping of Asia’s future begins with choices America will make in how to deal with China.

I come from a Pacific rim State; 60 percent of the people of the world live on both sides of the Pacific Ocean. The trade on that ocean long ago over took the trade on the Atlantic Ocean. It is, in fact, the ocean of the future.

We can try to engage China and integrate it into the global community. We can be a catalyst for positive change. Few objective observers would argue that despite the problems that still remain, there have not been significant benefits and advances in China that have come from two decades of interaction with the United States and the West. Or, we can deal antagonistically with China. We can lose our leverage in guiding China along positive paths of economic, political, and social development, and sacrifice business advantage to competitor nations while gaining nothing in return.

As I see it, for the foreseeable future America faces no greater challenge

than the question of how to persuade China that it is in China’s own national interests to move away from authoritarian government and toward a more open, a more pluralistic and freer society. How do we convince China to make the political, economic and social changes that will help China evolve the leadership that will make it guarantor of peace and stability in the Pacific rim, throughout Asia and the world?

I am convinced that Congress will debate few issues more important this year than the question of China’s entry into the World Trade Organization and whether or not we will deal with the Chinese on the basis of a permanent normal trade relationship.

Trade means change in China. Economic engagement with the United States has been one of the prime motivating factors in China’s decision to move toward a market economy and away from its self-isolation of decades. The past 20 years have brought massive social reform and economic advancement for China’s people. I remember the first time I traveled to China in 1979. I saw a land of subdued people, grey Mao suits, few consumer goods, no conveniences, poor living conditions and little personal, economic or political freedom. The economy was all centrally controlled; little private property and private business existed.

Today, the goods, services, housing, and freedoms available to residents of Chinese cities like Beijing, Shanghai, and Guangzhou are greatly improved. People have become interested in what happens outside of China. People will speak more freely. Living standards are higher. China is increasing turning to private ownership—as much as 50 percent of the economy is in private hands in boom areas like the Pearl River Delta in Southern China.

Large, inefficient state enterprises are closing or being converted to private ownership. Entrepreneurship is on the rise in the cities in much of the countryside. Cutting our bilateral economic ties will accomplish nothing except to turn back the clock in China to favor more government controls, seek to isolate this growing economy, and very likely strengthen repressive political interests linked to protectionism and economic nationalism within the PRC.

It is evident to me that flourishing business relationships have developed increased contacts, improved mutual understandings, and personal relationships between Americans and Chinese.

This, in turn, has fostered many positive changes, as different ways of thinking percolate through Chinese society at many levels. It is there; I have seen it. American firms have brought new management styles, innovative ideas, and new work styles to China. Through their presence in China’s economy, Americans have spread their corporate philosophies, teaching Chinese entrepreneurs, managers, and workers about market economics, com-

mitment to free flows of information, the rule of law—the most important thing—dedication to environmental responsibility, and worker rights and safety.

Yes, it is far from perfect. But are things changing? The answer by any objective criteria has to be yes. Are there flaws? Are there problems? Does China very often do stupid things? Yes: The crackdown on Falun Gong, in my view a stupid thing, an unnecessary thing, something that, once again, pushes it backwards rather than forwards. Its treatment of Tibet—has China done the wrong thing? Absolutely. For 10 years I have been saying that and will continue to say it. It makes no sense for a great nation to treat a major minority the way in which the Tibetan people are treated. I will say that over and over again. I will work to change it. And one day we will succeed and do that, too. But we cannot do it if we isolate China. We cannot do it if we play into the hands of the hardliners. We cannot do it if we create the kind of adversarial relationship that is determined to make China into the next Soviet Union. I believe that firmly, and 30 years of watching has confirmed it.

American firms exercise a very real influence over the changes occurring in Chinese society. That influence will not survive the elimination of PNTR. American businesses in China bring American values to China. But, they cannot bring them if their ability to operate is undercut. History clearly shows us a nation’s respect for political pluralism, human rights, labor rights, and environmental protection grows alongside that nation’s positive interaction with others and achieving a level of sustainable economic development and social well-being.

People who have a full stomach then begin to say: What is next? People who have an education then begin to question the leadership. That will happen in China just as it did in Taiwan, just as it did in South Korea. Not too long ago, both were governed by dictatorships. Given a chance, China can change as well.

If we are serious about building a peaceful, prosperous and stable Asia, if we are serious about being a force for good in the Pacific rim in the 21st century, if we are serious about working to bring about democratic reforms, human rights reforms, and labor reforms in China, we also must establish permanent normal trade relations with China. This is part of the equation for making China into a member of the WTO and the world community as a whole, and saying that China must, in return, play by the same rules all other members follow. It also exposes China to sanctions in the WTO should they not. As a WTO member, China commits to eliminate barriers to its markets; to accept WTO rulings concerning trade practices and procedures; and to abide by WTO decisions concerning trade disputes.

The November 15, 1999 U.S.-China WTO Agreement marked successful completion of 13 years of difficult U.S.-China negotiations.

I, for one, am convinced that normalizing our trade relationship with China is absolutely in our own best interest. But it is absolutely in the best interests of seeing China becoming a pluralistic society, of developing the concern for human rights that we in the Western World hold so dear, of understanding the freedoms provided to us because of our due process of law, of understanding how important it is that a judiciary be independent from the politics of government, having a modern commercial code and a modern criminal code. None of these things China has today.

As has often been said, it has to be remembered that China, for 5,000 years, has been ruled by despotic emperors and for 50 years by revolutionary leaders who had no education. This is really, in over 5,000 years, the first time this largest nation on Earth has had an educated leadership who is now, today, striving to open the door to the Western World.

Remember the Boxer Rebellion? Remember what happened? Remember the humiliation, the isolation of China, and look what happened. We now have a chance in this legislation to take a different course. Most importantly—and this is what has amazed me so much about this debate—PNTR is nothing special. It simply means we will conduct our trade with China in the same manner and under the same rules that we conduct trade with almost every other nation in the world. In fact, there are only six countries with which we do not have normal trade relations—Afghanistan, Cuba, Laos, North Korea, Serbia-Montenegro, and Vietnam. All of them are small nations.

In my view, the damage of denying China permanent normal trade relations would strike even deeper. Punitive U.S. economic policies aimed at unpalatable Chinese domestic practices will not only cut into American jobs, it will slice at China's newly emerging market-oriented entrepreneurial class, the driving force behind the very changes we seek to cultivate without eliminating the targeted abuses in Chinese society. What kind of sense does that make?

Responsible American voices in business, in education, in law, and in religion understand that attacking China through economic ties is counter-productive. It endangers the very social elements within China that are most compatible with ethical American norms.

Trade relations do not only benefit business. They are a key part of the foundation that supports the entire U.S.-China relationship. I believe that not only do we shoot ourselves in the foot by denying PNTR, we strike a blow against encouraging China to see that it is to its interest to make the

necessary changes, to understand that it, too, by open doors, more ties across the Pacific, more pluralistic government, more freedoms for its people evolves as a stronger nation, not a weaker nation. That was the case with Taiwan. That has been the case with South Korea. I submit to you, Mr. President, it is the case of virtually every country that lives under dictatorship or absolute rule.

Pluralism results from an evolution and a growth in human standards, in economic standards, in interaction with the rest of the world. China will be no different if we enable it to open itself to the world. We should be prudent, we should be watchful, we should be strong, we should confront them where wrong—no question about that. I believe we have the adequate tools to do it.

I have seen sanctions placed since I have been in this body, and I do not believe the amendment before this body will encourage the kind of behavior that can enable China to eventually be a stable, sound partner anywhere in the Pacific or elsewhere. I feel very strongly about this. I thank the Chair for his forbearance. I yield the floor.

Mr. LOTT. Mr. President, I support and will vote for granting permanent normal trade relations status to the People's Republic of China.

I will do so because the agreement negotiated between the United States and China will help level the playing field for a wide range of American companies who seek to do business in China.

I also support the bipartisan amendment offered by Senators FRED THOMPSON and ROBERT TORRICELLI to require certain reports and to impose sanctions on entities identified by the President for their sale or transfer of dangerous technology to rogue regimes.

We cannot stand idly by while China continues to proliferate nuclear weapons and missile technology to unstable regions.

There are numerous reports that this pattern of dangerous behavior by Beijing is continuing. For example, the CIA Director George Tenet recently issued a report to Congress on recent developments in proliferation.

That report asserts that China has increased its missile-related assistance to Pakistan and continues to provide missile-related assistance to Iran, North Korea, and Libya.

These are governments which our own State Department has labeled as state sponsors of terrorism.

Who are the ultimate targets for these missiles and nuclear and chemical weapons in the hands of terrorist states? It is the American people, our friends and allies, and our military forces deployed in hot-spots such as the Persian Gulf.

Let me state it differently: When China proliferates dangerous technology to dangerous states, it directly and very negatively affects our national security.

The Clinton administration says it, too, is concerned about this behavior. But it has failed—resoundingly failed—to stop it. Our CIA tells us that these activities are on-going today.

So we need to do more, and this bipartisan amendment makes a strong statement that either this proliferation behavior stops or real and credible penalties will be imposed.

I say to my colleagues who, like me, support granting PNTR for China: Let's not lose sight of the national security issues at stake here.

I, like Senator THOMPSON, would have preferred to consider this important legislation on another bill and not on H.R. 4444. In fact, I made every effort to see to it that the Thompson-Torricelli legislation could be considered either as a free-standing measure or as an amendment to some other piece of legislation.

However, my efforts to have the Thompson-Torricelli amendment considered separate from the China PNTR legislation was blocked.

Therefore, we now are faced with a vote on the Thompson-Torricelli amendment on H.R. 4444. Given this situation, I will support the amendment and oppose the motion to table.

Mrs. BOXER. Mr. President, I share Senator THOMPSON's and Senator TORRICELLI's concerns about weapons proliferation, and I appreciate their bringing this important matter up for debate in a non-partisan fashion. However, I believe that the amendment they have offered to H.R. 4444, legislation that will grant permanent normal trade relations to the People's Republic of China, does not address the issue in the most positive way.

My first concern with the China Non-proliferation Act is with the name itself. The original legislation proposed by the sponsors of this amendment specifically singled out China. But, the current amendment adds North Korea and Russia as nations that are named as covered countries under this proposal. I believe it is correct to expand the list of initial countries beyond China, but I still feel that on the issue of proliferation, every country should be treated with a uniform standard.

The second concern is that this amendment attempts to curtail the spread of weapons with a unilateral rather than a multilateral solution. It is clear to me that this issue is sufficiently complex to demand the cooperation of the international community in stopping the proliferation of weapons. While this amendment singles out North Korea, Russia, and China as covered countries, it also opens the door to possible sanctions on our closest allies. This is because of the requirement that countries listed in the annual section 721 report that is mandated under the fiscal year 1997 Intelligence Authorization Act be covered by this amendment. This report singles out those nations that are a source of dual-use technology which, in recent years, has included such countries as

Germany, Italy, and the United Kingdom. I do not believe that sanctioning our closest allies—those that traditionally support our interests—will further our non-proliferation goals. Furthermore, using unilateral sanctions rather than working with our allies to develop multilateral strategies is not the most effective means of curtailing proliferation.

Another concern with the amendment is that the sanctions would deny all state-owned enterprises of a covered country access to U.S. capital markets. This was one reason why Alan Greenspan publicly spoke out against this amendment at a hearing of the Senate Banking Committee. He stated that “. . . to the extent that we block foreigners from investing or raising funds in the United States, we probably undercut the viability of our own system.”

Finally, I am concerned that this amendment will not provide the necessary flexibility for the executive and legislative branch to conduct policy on proliferation issues. The amendment gives the President only 30 days from the time he issues a report to Congress on proliferation to impose five unilateral mandatory sanctions. After the President makes this determination, the amendment allows for as few as 20 Senators to initiate a reversal of the President's decision. It would take only 20 Senators to ensure that a resolution of disapproval be referred to the Committee on Foreign Relations. The committee would then only have 15 calendar days to consider such a resolution. If the resolution is not reported in that timeframe, it would be sent to the floor with debate limited to 10 hours and a vote required within 15 days. Given the inadequate evidentiary standard of “credible information” that is provided for in this amendment, this expedited procedure is a recipe for bad policy.

I do look forward to discussing this matter further both here on the Senate floor and within the Senate Foreign Relations Committee. This complex issue requires further review and debate separate from the current business of granting permanent normal trade relations to the People's Republic of China.

Mr. SHELBY. Mr. President, I rise to express my support for the Thompson-Torricelli amendment, or the “China Nonproliferation Act.”

I do so as a Senator who has long been concerned about the threat posed by China's reckless proliferation of nuclear, missile and other technologies, and as chairman of the Intelligence Committee, with responsibility for our intelligence efforts against this critical national security threat.

While this amendment applies to other countries, including Russia and North Korea, we are considering it in the context of Permanent Normal Trade Relations for the People's Republic of China, or PNTR. Therefore, my remarks will, for the most part, focus on that country.

I should say at the outset that I intend to support PNTR because I believe that, on balance, taking this step will further U.S. national interests.

But China remains, in the words of the Director of Central Intelligence, a “key supplier” of sensitive technologies to Iran, Pakistan and other countries.

I remind my colleagues that the Intelligence Committee has prepared and made available to Members a summary and compendium of recent intelligence reporting on PRC proliferation. It remains available for your review.

I understand that only a handful of Senators have availed themselves of this opportunity. I urge each of you to review this very disturbing and revealing material. Without having done so, you will be voting on this amendment ignorant of the facts as we know them.

Whether you choose to vote for or against this amendment, you must not do so without a full appreciation of the facts.

Suffice it to say that China has not improved its poor proliferation record.

In light of the poor Chinese proliferation record, I believe that risks associated with approving PNTR are managed better if the Thompson-Torricelli amendment is enacted with our new trade relationship with China.

Since the sponsors and other Senators are addressing the threat to our national security posed by Chinese proliferation, I will focus primarily on some of those aspects of the problem of greatest concern to the Intelligence Committee.

Tracking the proliferation of weapons of mass destruction has been among the Intelligence Committee's very highest budgetary priorities.

This is because proliferation is one of our most daunting and resource-intensive intelligence challenges. The materials and technology to build nuclear, biological, and chemical weapons and the missiles to deliver them are not shipped in the open. They are smuggled across borders and shipped under false documents.

Vital technical support to a country's missile or nuclear program may fit on a single computer disk or take the form of clandestine visits by technical experts.

The materials used in making weapons of mass destruction and their means of delivery are often dual use, meaning that they may also be used for peaceful purposes.

Our intelligence analysts must compile all the facts to determine the likely use of these materials. This really is rocket science, and nuclear science, and biological and chemical science.

Tracking proliferation is not only difficult, it is a critical mission. Timely intelligence provides us with the information we need to support our efforts to deter or dissuade countries, like the People's Republic of China and Russia, from selling nuclear, chemical, biological or missile technologies to rogue states or regions of instability.

When deterrence and dissuasion fail, timely intelligence also will support efforts to counter the proliferation and use of missiles and weapons of mass destruction.

What is especially frustrating for me, as chairman of the Intelligence Committee, is that while the Intelligence Community is doing its job, gathering intelligence at great expense and risk about who is selling and who is buying technologies of mass destruction, this intelligence is ignored by policy-makers.

Policy makers have frequently circumvented our sanctions laws by avoiding reaching a determination that could trigger sanctions. They have ensured that the bureaucratic process for reaching a determination that would lead to sanctions is never started, or completed, or impossible standards of evidence are set, so that a judgment never has to be reached.

A case in point is the notorious M-11 missile. After years of closed door deliberations on this issue, in September of last year, for the first time, the Intelligence Community stated publicly its longstanding conclusion that “Pakistan has M-11 SRBMs [Short Range Ballistic Missiles] from China.”

Lest anyone miss the significance of these Chinese missiles now in the hands of Pakistan, or their contribution to instability in South Asia, the community assessed further that these missiles may have a nuclear role.

Sales of M-11 technology have twice triggered sanctions against the PRC under the Arms Export Control Act and Export Administration Act. The sale of M-11 missiles should, under current law, have triggered additional, even stricter, sanctions.

But despite the clear, and public, conclusion of the Intelligence Community, the State Department has suggested that the Intelligence Community's finding that the M-11 missiles were sold by the PRC to Pakistan did not meet its “high standard of evidence.”

Failure to follow through on the facts, however unpleasant the facts may be, undercuts the credibility of our entire nonproliferation policy.

I am hopeful that the Thompson-Torricelli amendment will force a more robust response to the intelligence collected on proliferation. Under this amendment, policy makers will be forced—on an annual basis—to collect the evidence of proliferation and provide a report to Congress.

This report will be more comprehensive and focused than those we have received to date.

The report must identify persons from China, Russia, North Korea and other states when there is credible evidence that this person has contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic missiles.

The report also will identify any person of a covered country that is engaged in activities prohibited under the

relevant treaties and agreements regarding the possession and transfer of chemical, biological, and nuclear weapons.

The President is directed in the China Nonproliferation Act to report information on noncompliance with international arms control and proliferation agreements by the covered countries.

Finally, the report must include an assessment of the threats to our national security, and that of our allies, resulting from proliferation—whether or not this proliferation can be determined to meet the legal or evidentiary standards the State Department asserts to avoid reaching sanctions judgements.

This will go a long way towards compelling the State Department to acknowledge serious instances of nuclear and other proliferation.

Furthermore, the Director of Central Intelligence is required to reach a determination regarding what transfer or sale of goods, services, or technology have a “significant potential to make a contribution to the development, improvement, or production of nuclear, biological, or chemical weapons or of ballistic or cruise missile systems.”

Again, mandating this report will allow us to avoid the unpleasant situation we have been in for years in which the President has been able to avoid reaching necessary judgements about proliferation activities and their consequences.

This report will contribute significantly to the ability of the U.S. Congress to conduct oversight and to make informed judgements on matters of national security.

The information detailed in the report should better enable us to judge the appropriateness and, over time, the effectiveness of the sanctions provided for in this amendment.

Some have complained that this bill forces the President to impose sanctions. This is not the case.

The amendment provides adequate flexibility to the President since he can waive the sanctions.

However, he must specify his reasons for doing so, and Congress may disagree through procedures set out in the bill. This legislation will make Presidential decision-making more transparent and will ensure that the President's decisions are based on the best intelligence available.

Mr. President, would our citizens want to continue to sell items on the United States Munitions List to an individual that has “contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles” for a third party or state.

Would our citizens want to continue to license dual-use items that could contribute to this individual's proliferation of weapons of mass destruction?

Would our citizens want to continue to provide that individual Government

assistance in the form of grants, loans, or credits?

Would our citizens want to continue co-development or co-production of items on our munitions list with that individual?

Of course not. Of course not.

I hope we can agree that the United States should neither reward nor contribute to proliferation of the weapons that threaten our own Nation.

Without question, the imposition of sanctions against another nation or foreign companies is always a serious matter.

The imposition of sanctions has significant foreign and economic policy consequences for the United States and should not be undertaken lightly.

Because sanctions can be costly for our own American industries, we must be sure there is a clear national security interest that will be advanced by the sanctions.

Curbing proliferation meets this test. The President has declared the proliferation of weapons of mass destruction to be a “national emergency,” and I think most of us agree with that declaration.

I support the Thompson-Torricelli amendment because it takes a balanced, measured approach to the problem of sanctioning Chinese proliferation activities, and similar activities of other countries.

In particular, it creates a process to ensure that the U.S. response to future activities of proliferation is never again the inaction, indifference, and self-deception that characterizes the current process.

I believe this bill will bring us closer to a situation in which the PRC and other supplier nations clearly understand—for the first time—that there will be serious consequences when they engage in proliferation of weapons of mass destruction that threaten the United States, its allies, and friends.

Mr. President, I again urge my colleagues to review the available intelligence. The facts speak for themselves, and they speak very loudly indeed.

I urge adoption of the Thompson-Torricelli amendment and yield the floor.

Mr. ASHCROFT. Mr. President, as this body discusses the China Non-proliferation amendment, I would like to comment briefly on Chinese actions that have not only damaged the national security of the United States, but are antithetical to the peace and stability of the entire world—weapons of mass destruction and missile proliferation. I am dismayed that the government of the People's Republic of China has consistently brutalized its own population, intimidated its neighbors, and provided the world's most dangerous technology to “States of Concern”—in direct violation of international agreements, domestic law, and fundamental international standards of behavior. It is time for the Senate to speak in a clear, definitive voice against China's actions.

The facts are that China has provided nuclear, biological, and chemical weapons technology, along with ballistic and cruise missiles to “States of Concern”—previously referred to as “Rogue Nations”—including Iran, Pakistan, Iraq, Libya, Syria, North Korea, and Algeria. Congress should not stand idly by as China continues these practices. Passage of the China Non-Proliferation amendment is a prudent step in the right direction to address this problem. The amendment is both a reasonable and measured response to the serious situation that this Administration has allowed to continue.

While I prefer to see this bill, the China Non-proliferation Act, passed as a separate measure and not as an amendment to the China-Permanent Normal Trade Relations, PNTR, bill, it is now clear that the critical and timely nature of this issue, combined with the counterproductive actions of those trying to prevent its consideration, have left us in the position of having to vote on this today. I reject the notion that a vote on this amendment is a vote against granting PNTR to China. This is simply not the case. The Thompson amendment will not kill PNTR or even place conditions on granting PNTR for China. This amendment will simply stem the flow of unauthorized information on nuclear, biological, and chemical weapons technology by creating real consequences for proliferating countries. I believe that these consequences, coupled with strong leadership by the Executive Branch, can dramatically slow proliferation.

Senator THOMPSON's amendment addresses proliferation concerns by requiring the President to submit a report to Congress identifying every person, company, or governmental entity of the major proliferating nations—China, Russia, and North Korea are currently on this list—against which credible evidence exists that the entity contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles by a foreign person. Based on this report, the President would then be required to impose specific measures against foreign companies in these countries who have been identified as proliferators. For example, under this amendment if a Chinese company provided nuclear technology to Iran, the United States would deny all pending licenses and suspend all existing licenses for the sale of military items and military-civilian dual-use items and technology as controlled under the Commerce Control List to that company. Additionally, the President would be required to impose an across-the-board prohibition on any U.S. government purchases of goods or services from, and U.S. government assistance, including grants, loans, credits, or guarantees, to this company.

In addition to the mandatory sanctions imposed on proliferating foreign

companies, the amendment would also authorize the President to impose discretionary measures against the key supplier countries. Foreign companies do not act alone in the proliferation of weapons; it is quite clear that China, Russia, and North Korea all actively support proliferation activities, and therefore must be held accountable for their actions. This amendment recognizes this truth and would empower the President to apply discretionary measures against them as well, such as:

Suspension of all military-to-military contacts and exchanges between the covered country and the United States;

Suspension of all United States assistance to the covered country by the United States Government;

Prohibition on the transfer or sale or after-sale servicing, including the provision of replacement parts, to the covered country or any national of the covered country of any item on the United States Munitions List, which includes all military items, and suspension of any agreement with the covered country or any national of the covered country for the co-development or co-production of any item on the United States Munitions List.

Suspension of all scientific, academic, and technical exchanges between the covered country and the United States;

Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List, which includes military-civilian dual-use items, that is controlled for national security purposes and prohibition of after-sale servicing, including the provision of replacement parts for such items;

Denial of access to capital markets of the United States by any company owned or controlled by nationals of the covered country;

Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List and prohibition of after-sale servicing, including the provision of replacement parts for such items.

Due to the highly sensitive national security issues involved in cases of proliferation, any of the sanctions can be waived by the President if he determines: (1) that the person did not engage in the proliferation activities; (2) that the supplier country was taking appropriate actions to penalize entities for acts of proliferation and to deter future proliferation; or (3) that such a waiver was important to the national security of the United States.

I believe that these measures, affecting both the proliferating company and country, if applied consistently and fairly by the President, can and will stem the serious problem of weapons proliferation. China, along with Russia and North Korea, must understand that there are real consequences for continuing this reckless behavior, and the United States must take a stand and

lead the charge to stop such proliferation. Passage of the Thompson amendment will accomplish that goal.

A firm stand against proliferation is desperately needed. Chinese proliferation, along with that of Russia and North Korea, is continuing unabated to the detriment of America's national security. It is well documented that China has provided sensitive technology to at least seven States of Concern, including Pakistan, Iran, Iraq, Syria, North Korea, and Algeria. Most of these states have explicitly threatened the security of the United States and actively sponsored terrorism. The remaining countries are in regions where war is commonplace and the consequences for the use of WMD would be especially devastating. Of these proliferation cases, the two most horrendous cases are Pakistan and Iran.

Pakistan is a nation of tremendous unrest and instability, and China has provided it with extensive nuclear and missile technology. Born in conflict, Pakistan was created with India out of one people and one territory, and conflict has defined this nation throughout its history. Pakistan fought three wars and numerous border skirmishes against India, its principal adversary. These battles have been mostly fought over the hotly contested Kashmir region bordering northeast Pakistan. The Kashmir conflict is widely accepted by International Affairs and Defense experts as one of the most likely conflicts to erupt into a nuclear war. China, to a great extent, has not only fostered the conflict through political posturing and land-grabbing, but it has also provided the nuclear weapons that would be used in such a war. China continues to provide critical nuclear and missile related technology to Pakistan, thereby further escalating the arms race and underlying conflict.

In May 1998, India and Pakistan tested a total of eleven nuclear devices. This ushered Pakistan into—and reestablished India as part of—the world's most exclusive club of nuclear weapon states. Although India's nuclear program was created from mostly indigenous sources, Pakistan's nuclear program was purchased from the People's Republic of China. A recently declassified Central Intelligence Agency report states that during the early 1980's, China provided Pakistan blueprints of a full Chinese nuclear design that was tested in 1966. It appears it took Pakistan almost 20 years to test a weapon because they had difficulty translating the blueprints from Chinese.

Since the 1980's, China has consistently provided Pakistan additional nuclear components and missiles. China has operated the Pakistani Cowhide Uranium-enrichment plant (needed for nuclear weapons production), provided designs for additional bombs and reactors, sold weapons grade uranium, sold 5,000 ring magnets for a nonsafeguarded nuclear enrichment program, and continues to provide assistance to nuclear facilities that are not safeguarded by

the International Atomic Energy Agency, IAEA. The IAEA ensures that nuclear facilities are not producing nuclear weapons grade material.

China has also provided Pakistan with complete nuclear-capable missile and missile components. The most widely reported missile transfers are the M-11 missile, also called the CSS-7 or Ababeel. This nuclear capable missile, designed and produced in China, has a 300-kilometer range—placing many highly populated Indian cities at risk. Although it is unclear how many M-11s Pakistan currently possesses, it appears that China has been providing these missiles for almost a decade.

Pakistan's nuclear-capable Medium Range Ballistic Missiles, (MRBM), named Ghauri and Shaheen, were developed as a result of extensive Chinese technology and assistance. The Ghauri has a quoted range of 1500 km, but during the actual flight test, the Ghauri flew only 600 km. Even at this shorted range, some of India's largest cities, including New Delhi and Bombay, would be at risk. The Shaheen, although not flight tested, is reported to have a range of 700 km, making its strike distance comparable to the Ghauri.

What is especially disturbing is that this is just the beginning of the Chinese proliferation record regarding Pakistan. These transfers have allowed Pakistan to amass an incredibly capable and frightening nuclear and missile force. These transfers are in direct violation of international and domestic law. It is apparent that China and Chinese businesses have violated the Missile Technology Control Regime, the Arms Export Control Act, the Export Administration Act, the Non-Proliferation Treaty, the Export-Import Bank Act, and the Nuclear Proliferation Prevention Act.

With all these violations of international and domestic law, one must ask the question, "What has the Clinton Administration done to stem the flow of nuclear and missile technology?" The answer is sadly, "very little." The Clinton Administration imposed only mild sanctions on China for providing the M-11 technology. However, these sanctions were quickly lifted when China "agreed" not to continue providing missile technology to Pakistan. Despite this "agreement," China has not stopped the provision of missile and nuclear technology.

I am troubled that the President seems to have accepted Chinese promises and reassurances without thoroughly examining the facts. For example, a July 1997, CIA report concluded that "China was the single most important supplier of equipment and technology for weapons of mass destruction" worldwide, and that China continues to be Pakistan's "primary source of nuclear-related equipment and technology. . ." The Chinese Foreign Ministry spokesman Cui Tiankai, responded characteristically to these charges by stating that "China's position on nuclear proliferation is very

clear . . . It does not advocate, encourage, or engage in nuclear proliferation, nor does it assist other countries in developing nuclear weapons. It always undertakes its international legal obligations of preventing nuclear proliferation . . . China has always been cautious and responsible in handling its nuclear exports and exports of materials and facilities that might lead to nuclear proliferation." The Clinton Administration was apparently reading from the Chinese script when Peter Tarnoff, Under Secretary of State, said during a Congressional hearing that, ". . . we (the United States) have absolutely binding assurances from the Chinese, which we consider a commitment on their part not to export ring magnets or any other technologies to unsafeguarded facilities . . . The negotiating record is made up primarily of conversations, which were detailed and recorded, between US and Chinese officials." With the overwhelming evidence, it is mystifying that the Chinese spokesman could make such statements with a straight face, and it is extremely disappointing that the Administration apparently took China at its word.

More than one and half billion people live in South Asia. I believe that Pakistan would not be in the position to start a nuclear war without Chinese assistance. Although we cannot reverse proliferation in Pakistan, we can, and should, take a stand to stop further transfers to Pakistan and other countries through passage of the China Non-Proliferation Act. Without taking a stand here, what will stop China from providing nuclear and missile technology to Palestine, or Sudan, or the renowned terrorist Osama Bin Ladan? The United States must take the lead, as the world's only Superpower, and stand against nuclear proliferation, which damages the security of the entire nation.

Not only has China provided nuclear and missile technology to the dangerous and unstable region of South Asia, China has provided sensitive technology to Iran. Iran has been identified by U.S. government agencies, organizations, and entities, along with independent national security experts, as one of the major threats to US security. Iran's threat stems from several significant factors including its large population and armed forces; its geo-strategic and political location in the Middle East—along the straits of Hormuz and the Caspian Sea; an Islamic fundamentalist government; a drive to obtain weapons of mass destruction along with their associated delivery vehicles; stated opposition to the United States and United States' national interests; opposition to the Israeli-Palestinian Peace Process; the de-stabilization of Lebanon—Israel's northern neighbor; and the use and sponsorship of terrorism in its own country and around the world. Due to these facts, the idea of providing nuclear, biological, chemical, and missile

technology to Iran seems unbelievable, but it is a sad reality.

According to a 1999 CIA report, "Iran remains one of the most active countries seeking to acquire Weapons of Mass Destruction, WMD, and Advanced Conventional Weapons, ACW, technology from abroad. In doing so, Tehran is attempting to develop an indigenous capability to produce various types of weapons—nuclear, chemical, and biological—and their delivery systems." Iran is obtaining much of this technology from China and Russia.

The CIA report continues, "for the second half of 1999, entities in Russia, North Korea, and China continued to supply the largest amount of ballistic missile-related goods, technology, and expertise to Iran. Tehran is using this assistance to support current production programs and to achieve its goal of becoming self-sufficient in the production of ballistic missiles. Iran already is producing Scud short-range ballistic missiles, SRBMs, and has built and publicly displayed prototypes for the Shahab-3 medium-range ballistic missile, MRBM, which had its initial flight test in July 1998. In addition, Iran's Defense Minister last year publicly acknowledged the development of the Shahab-4, originally calling it a more capable ballistic missile than the Shahab-3, but later categorizing it as solely a space launch vehicle with no military applications. Iran's Defense Minister also has publicly mentioned plans for a "Shahab 5." Such statements, made against the backdrop of sustained cooperation with Russian, North Korean, and Chinese entities, strongly suggest that Tehran intends to develop a longer-range ballistic missile capability in the near future." These longer ranged missiles would be capable of striking targets in Europe and perhaps in the United States.

China is "a key supplier" of nuclear technology to Iran, with over \$60 million annually in sales and at least fourteen Chinese nuclear experts working at Iranian nuclear facilities. In 1991, China supplied Iran with a research reactor capable of producing plutonium and a calutron, a technology that can be used to enrich uranium to weapons-grade. (Calutrons enriched the uranium in the "Little Boy" bomb that destroyed Hiroshima, and were at the center of Saddam Hussein's effort to develop an Iraqi nuclear bomb.) In 1994, China supplied a complete nuclear fusion research reactor facility to Iran, and provided technical assistance in making it operational. China also continues to work with two Iranian nuclear projects, a so-called "research reactor" and a zirconium production facility. It is well documented that China has provided Iran "considerable" chemical and biological weapon-related production equipment and technology. China has also provided sensitive ballistic missile technology for Iran's growing missile capability. Among other transfers, in 1994, China provided

hundreds of missile guidance systems and computerized machine tools. This is just the beginning of Chinese proliferation to Iran.

The sad fact is that Iran would not have these capabilities without Chinese assistance and American inaction. Although these transfers violate almost every non-proliferation law on the books, the Clinton Administration has only taken small and random acts against selected Chinese companies. These meaningless acts have done nothing to stem the proliferation, and without stronger laws, Chinese proliferation will continue.

It is time for the United States to respond with authority to the continued threat of weapons proliferation. Although we need a President who is willing to lead, we also need more effective laws mandating the President to impose sanctions on foreign companies when they engage in proliferation, and authorizing him to take actions against nations violating international law. This is what the China Non-Proliferation Act will do, and I support passage of this amendment.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that the following Senators be permitted to speak for up to the designated times in the following order: Senator KYL, 5 minutes; Senator BIDEN, 10 minutes; Senator TORRICELLI, 10 minutes; Senator HUTCHISON, 10 minutes; Senator GRAMM, 10 minutes; Senator THOMPSON, 10 minutes; Senator ROTH, 5 minutes. I further ask consent that the vote occur no later than 1:45 p.m. this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the remarks of the Senator from California. To return the debate to the Thompson amendment, the question before us immediately is not whether PNTR should be granted but whether the Thompson amendment dealing with national security issues should be supported. PNTR is going to pass this body early next week. The question is whether at about 1:45 p.m. or so this body will table the Thompson amendment.

The Thompson amendment would set up a regime that would help stop the proliferation of weapons of mass destruction by China. In the past, each year we have been able to review the Chinese trade, national security, and even human rights issues, and because we had an annual review, we were able to deal with those issues in this body, as well as from a diplomatic point of view the administration's dealings with China.

PNTR will remove that annual review, the requirement that we affirmatively act each year. It will allow China then to join the WTO, and that is fine as a matter of trade. But we have to have some parallel way of ensuring

from a national security standpoint that China stops the proliferation of weapons of mass destruction.

The Thompson amendment sets up a process whereby the Chinese actions are reviewed and the President can impose sanctions, if it is appropriate, but if he does not impose sanctions in those circumstances—he does have a waiver authority—he is required to report to Congress why not. There is nothing unreasonable about this particular proposition.

Yesterday I talked at length about the reasons for it. I will mention two: The proliferation of M-11 missiles by China to Pakistan, for example, which has not resulted in appropriate sanctions by the United States and, more recently, the transfer of sea-based cruise missiles to Iran.

We remember what happened to the *Stark*, the U.S. destroyer in the Persian Gulf, when several Americans lost their lives as a result of a sea-based cruise missile. The question here is particularly interesting because the Senate voted 96-0 that the Chinese actions in supplying these cruise missiles to Iran was a violation of the Gore-McCain Iran-Iraq Nonproliferation Act. In other words, China is not supposed to send this kind of weapon to countries such as Iran. The Senate has been on record unanimously that it was a violation of the act. The administration has done nothing to impose sanctions or otherwise act to stop China from that kind of proliferation. That is why the Thompson amendment is necessary.

Trade, in other words, cannot be the only thing that defines the relationship between the United States and China. The Senate has to balance other things than trade, including our national security obligations.

It has been said that we cannot support the Thompson amendment, not because it is not a good idea but because if there is any change to this bill in the Senate, if it goes back to the House of Representatives, they will not pass it. One of two things is true: Either there is support for PNTR and the House of Representatives will quickly act on the Thompson amendment, and, in fact, if the two are joined and sent to the House, as I was advised yesterday, support would fall off in the House to the point where there are 40 people over there who no longer support PNTR and would not vote for the bill.

Obviously, it would be an anti-democratic action for us to proceed with something that no longer enjoys a majority support in the House of Representatives. I cannot believe that many people would switch their vote on PNTR. They still, of course, can vote against the Thompson amendment if we send it over to them.

The fact is, we have 5 weeks to go. The House of Representatives has plenty of time to deal with this issue. They are committed to PNTR, as I know the leadership of the Senate is. I cannot believe amending the bill with the

Thompson amendment would destroy PNTR. Remember, too, that it is the opponents of the Thompson amendment who forced Senator THOMPSON into using this vehicle of amending PNTR as the only way to achieve his goal of establishing a nonproliferation regime with respect to China. He offered to do it in freestanding legislation. He was rebuffed. He offered to do it after the debate. He was rebuffed. In effect, they knew they had the best chance of defeating him if they could force him to offer an amendment to PNTR because then they could argue they were all for it in substance, but they did not dare let it pass as a procedural matter because the House then would have to deal again with PNTR.

I think this is the most cynical of strategies. I wish the issue had not come up in this way. I urge my colleagues at the appropriate time, in about 45 minutes, not to table the Thompson amendment. Give Senator THOMPSON an up-or-down vote on his amendment. It is the fair thing to do. It is the right thing to do and, from the standpoint of the responsibilities of all of us in this Chamber as Senators who have responsibility both for trade and for national security, the Thompson amendment is the right thing to support.

Thank you, Mr. President.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Under the previous order, Senator BIDEN was to be recognized at this point. I ask unanimous consent that I be allowed to proceed under his time and that, in turn, he proceed following the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I think it is important to remind the Senate of the issue before the body. It has been argued that China should be allowed into the World Trade Organization. That is not a question of this amendment. China is coming into the World Trade Organization under PNTR.

It has been argued that there should not be an interference in trade between China and the United States; it was argued strenuously by my friend and colleague from California. That is not before the Senate under this amendment.

It has been argued that the internal politics of China should not interfere with trade. That is not before the Senate. The Senate has defeated the measures on internal matters in China. It is going to support WTO and the PNTR. The issue before the Senate is narrowly defined.

Under Thompson-Torricelli, there is a single issue before this body: Whether repeated acts of violations of nonproliferation agreements by Chinese companies will give the President the authority, which he will have the right to waive, to interfere with Chinese ac-

cess to American capital markets. That is the only issue before the Senate.

I recognize that we come to this institution with a variety of local interests. Some of us represent agriculture and some industry; some labor and some business; some in the West, some in the North; some in the South; some in the East; some rural; some suburban. We have one unifying common interest—the national security of the United States. Wherever we are from, whatever our priorities, whatever our philosophy, that single guiding responsibility unites us all.

I recognize there are economic interests in the country that are on different sides of the issue of PNTR. But on this single issue, the proliferation of dangerous weapons of mass destruction that are a threat to the life and the security of the United States of America, we can find common ground.

Indeed, as enthusiastic as any individual farmer in America may be to get access to Chinese markets, notwithstanding the fact that this amendment does not deal with agricultural exports, I would challenge any Member of this Senate to find an individual American farmer who, even if this amendment did threaten agricultural exports, would trade a single sale for the United States not being resolved in denying Chinese companies the ability to export missile or nuclear or biological technology that threatens the American people.

Find me a single high-tech executive, given the choice between an individual contract and the ability to restrict a single Chinese company from selling technology that threatens the United States of America, find me one who would not take a stand for this amendment.

Individual interests, I understand them.

My friend and coauthor of this amendment, Senator THOMPSON, stood on the floor reciting comments by the president of the U.S. Chamber of Commerce, who threatened retribution against Senators who support Thompson-Torricelli and cited the “politics of nuclear proliferation.”

What have we come to as an institution? The “politics of nuclear proliferation”? I thought the issue of nonproliferation knew no politics, was supported by Democrats, Republicans, liberals and conservatives. We can all differ on some of the strategies of defending the United States. We may differ on the question of a missile shield defense. We may differ on how we allocate our national defense resources. But I thought the question of proliferation was the one uniting aspect of our foreign policy that knew no bounds—we are all united in the question that there are some governments that are so irresponsible, some nations that live so far out of the norms of accepted behavior, that they must be denied these weapons.

The evidence is unmistakable that the People’s Republic of China, despite

20 years of commitments to accede to this policy of denying these rogue nations these technologies, continues to export this dangerous technology. The evidence is overwhelming.

The Director of Central Intelligence reported to this Congress, last month, that China has increased its missile-related assistance to Pakistan, continues to provide assistance to Iran, North Korea, Libya; that China has proliferated to Pakistan.

This Senate has debated what to spend and how to spend to defend ourselves against the possibility, by 2005, of nuclear-tipped missiles from North Korea. We have all lived in anguish with the destruction of American citizens by the terrorism in Libya and Iran.

Now before this Senate is the most modest of amendments—not an interference with trade; not a restriction on exports, though indeed that may be justifiable; not a sanction against the violations of workers' rights or human rights, though that may be arguable. We have not dared, in the most modest of positions, to ask, to request, to suggest any of those things. Just this: That the authority exists to deny companies in the People's Republic of China that consistently, regularly are found, by overwhelming evidence, to be proliferating dangerous technologies that threaten the United States of America, access to our capital markets. But, indeed, that would be too ambitious to ask, so we have given the President waiver authority to cancel that restriction and simply tell the Congress why he did so.

Is there a man or woman in the Senate who thinks this request is so ambitious, would so threaten the economic life of the United States, that we cannot ask this? I challenge my colleagues in the Senate, if you will not accept the evidence from the Director of Central Intelligence on this proliferation, if you will not cede the warning, accept the overwhelming evidence of this proliferation and the threat it constitutes to the United States of America, then have the intellectual honesty and courage to rise on the floor of this Senate to say the Central Intelligence Agency no longer provide this evidence. Because if you will not read it, you will not accept it, and you will not act upon a request that is this modest in scope, then have the intellectual honesty not to even receive it.

I say to my colleagues, it has been stated on this floor that the history of economic sanctions has been uniformly disappointing; that there is no evidence that they succeed. In the long history of economic sanctions, this would be the most modest. We interfere with no trade, restrict no product, restrict no market, only the raising of capital, and only then if the President does not exercise a waiver.

But even if this were a more ambitious amendment, do my colleagues in the Senate really want the record to reflect that we do not believe economic

sanctions are ever justifiable or ever successful, particularly members of my party?

The birth of economic sanctions was from Woodrow Wilson, former Governor of my State, who believed they were the civilized alternative to avoiding armed conflict and war. They are not a perfect weapon, but they have avoided conflict.

Who here would rise and say that unilateral sanctions by European states against South Africa and apartheid was wrong, or against Rhodesia or against the Soviets after invading Czechoslovakia? Who here would argue that they were wrong against Cambodia after the death camps? Who would argue they were wrong against fascist Italy, against Abyssinia and Ethiopia? Who here would argue that Roosevelt was wrong in using them against the Nazis or the Japanese invasion of Manchuria or Wilson himself against unrestricted submarine warfare in the North Atlantic? For the entire 20th century, these sanctions have been used—not a perfect tool, not always successful, but always an alternative to conflict and in defense of the national security.

That issue is before the Senate again. Because while these may not be sanctions, because it may appear the Senate, given the economic opportunity, would not accept them, Senator THOMPSON and I have offered something far less ambitious, a simple standby authority. But it is an alternative.

What will we say to the American people if one day we discover that missile or nuclear or biological weapons are in the hands of our most feared enemies threatening the lives of the American people? Someone on this floor would be right to rise and quote the old Bolshevik maxim: They will sell us the rope with which we will hang them.

No one on this floor wants to provide that explanation. I urge support for the Thompson-Torricelli amendment. It is right. It is modest. I believe the Senate would be proud to take this stand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. How much time do I have?

The PRESIDING OFFICER. Under a previous order, the Senator has 10 minutes.

Mr. BIDEN. Mr. President, I oppose the amendment by the Senator from Tennessee.

Although well-intentioned, the Thompson amendment—the so-called “China Nonproliferation Act”—is a deeply flawed approach to addressing the proliferation problem.

At the outset, let me stipulate to a couple of points about which the Senator is correct.

First, I fully agree with the Senator that the proliferation of weapons of mass destruction poses a serious threat to our national security. I commend

him for his concern, which I know is sincere.

Second, I agree with the Senator's assertion that the People's Republic of China has a poor proliferation track record. China's exports of weapons of mass destruction and the means to deliver them have made the world a more dangerous place.

Unfortunately, our concerns are not all historical. You won't find much argument in this body if the Administration decided today to impose sanctions on China—using existing law—for its continuing export of ballistic missile technology to Pakistan.

The debate isn't about whether China has a clean record in the area of non-proliferation. It does not. Period. No, this debate is about how we get the Chinese and other proliferators to clean up their act. So I ask my colleagues to keep their eyes on the ball.

The question each of us should ask as we evaluate the Thompson amendment is this: At the end of the day, is the Thompson amendment likely to improve U.S. security by reducing the spread of weapons of mass destruction and the means to deliver them?

I believe the answer is no. The legislation offered by Senator Thompson is deeply flawed. Since its introduction, the Thompson amendment has been revised at least three or four times. I give the Senator credit for trying to fix the bill's many flaws. Unfortunately, with each version, this bill has not substantially improved.

In its earliest iteration, at least we knew what this bill was all about. It was all about undercutting the very normal trade relations that we are about to vote to make permanent with China and instead treating China like a virtual enemy.

The likely effect of the original version of the “China Nonproliferation Act” was to gut normal trade relations with China, shut down trade in dual-use items, deny China access to our capital markets, end educational and scientific exchanges, and suspend the bilateral dialog on a range of important issues, including counter-narcotics and counter-terrorism.

It was clear-cut. It was unambiguous. And it was unambiguously contrary to the national interest.

The current version of the amendment does not have that coherence. Rather, it is a legislative stew containing an assortment of ingredients, not all of which go together. It has several major flaws.

The first major flaw is that although the sponsors have advertised the amendment as targeting certain rogue states, in fact it also targets American firms and firms located in several western nations.

On its face, the amendment purports to target only those countries highlighted by the Director of Central Intelligence in a seminannual report as “key suppliers” of weapons of mass destruction and missile technologies. Those countries, under the most current version of this report, released



earlier this summer, are China, Russia, and North Korea.

But closer examination of the amendment reveals that it would likely expose some of our closest allies—and even U.S. firms—to scrutiny under this bill.

Let me explain. This is a bit complicated, so I hope colleagues will bear with me.

Under the amendment, the President must submit a report to Congress annually—“identifying every person of a covered country for whom there is credible information indicating that such person” has transferred dangerous technology to other foreign entities or has diverted U.S. technology in such a way so as to contribute to development of weapons of mass destruction.

A “covered country” is a term that is defined in the bill: it is any country identified by the Director of Central Intelligence as a “source or supply” of dual-use or other technology in the most current report required under Section 721 of the Intelligence Authorization Act for Fiscal Year 1997. A country is also a “covered country” if it was so identified in this report at any time within the previous five years.

Guess what? In 1997, this report by the Director of Central Intelligence specifically named the United States, as well as several Western European nations, including the United Kingdom, France, Germany and Italy, as “favorite targets of acquisition for foreign weapons of mass destruction programs, especially for dual-use goods not controlled by [certain] multilateral export control regimes.” That makes those nations a “source or supply” of dual-use or other technology under the terms of the Thompson amendment.

So what does this mean?

It means the President will have to report to Congress on any “credible information” that the Executive Branch has on either (1) United States firms, or (2) European firms regarding transfers of dangerous technology. Sanctions are unlikely to result against U.S. or European firms, for two reasons.

First, after this report is provided to Congress, the President must then formally determine that the firm has actually engaged in the proliferation activity—not merely that there is credible information that it has.

Second, even if the President makes such a determination, the amendment exempts from the sanctions any nation that is part of a multilateral control regime on proliferation—as the United States and the major Western powers are.

But for the firms named in this original report, the damage will have been done.

First, the companies will surely be subject to negative publicity based on the very low “credible information” standard—and suffer financial and other damage that may flow from such publicity. Second, Section 8 of the

amendment requires the firm, if its stock is listed on U.S. capital markets, to make this information—that is, the information that they have been cited in the presidential report—available in reports and disclosure statements required under the Securities Exchange Act.

In short, the bill places a “scarlet letter” on the reputation of firms—based on information that may later prove to be unfounded.

This is a pretty breathtaking provision—which requires the President to shoot first, and ask questions later.

The second major flaw of the bill is that the amendment is its rigidity. It imposes a one-size-fits-all straitjacket on the President—forcing him to impose numerous sanctions against an offending company, no matter the gravity of the violation, and it requires him to impose the same set of sanctions in every instance.

Under the amendment, if the President determines that a person or firm has engaged in prohibited proliferation activity, then the President must apply five different penalties on such firms—including a ban on military and dual-use exports from the United States to such firms, and a ban on the provision of any U.S. assistance, including any loans, credits, or guarantees to such firms.

This would include Export-Import Bank financing and assistance from the Overseas Private Investment Corporation.

The President has no flexibility to tailor the penalty to fit the crime. He must impose all five punitive measures against the offending person for at least one year—even if the behavior is corrected immediately. He cannot dangle carrots encouraging the firm or nation to clean up its act.

The only flexibility he would have is to invoke a national security waiver. And I doubt such a high waiver will be justifiable in each and every case.

I believe it is extremely unwise to tie the President’s hands in this manner.

We are not clairvoyant, and we should give the President flexibility to calibrate his response—and the power to cope with changing circumstances which we cannot foresee.

It is also unwise to impose the same set of penalties on different cases. Should we treat the transfer of an item on Category Two of the Missile Technology Control Regime the less serious of the two categories in that regime—such as telemetry software—the same as a transfer of a complete missile system? Current missile sanctions law permit this sort of differentiation. The Thompson amendment does not.

On Monday the Senator from Tennessee implied that the sanctions under this provision are somehow discretionary—that the President has the flexibility on whether or not to impose sanctions under Section 4 of the amendment. This is simply not true.

Under Section 4 of the amendment, “if the President determines that a

person identified in a report submitted pursuant to section 3 has engaged in an activity described under section (3)(a)(1), the President shall apply to such person” the sanctions for not less than one year.

In other words, if the President finds that a person engages in a proliferation activity, he must apply the sanctions. He has no discretion—if he sees that the requisite facts exist, he must impose sanctions.

Don’t take my word for it.

A few years ago, the Office of Legal Counsel at the Department of Justice interpreted similar language in another non-proliferation law—the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991. It concluded that the President “has a duty to make determinations, not merely the discretion to do so.” And once he makes those determinations, then the sanctions under the law are triggered.

So, too in the Thompson amendment. If the President determines that the proliferation action has occurred, then the sanctions must be imposed.

To be sure, the bill allows the President to waive the sanctions. But the act of making the initial determination is not waivable.

The third major flaw is that the bill will undermine the credibility of existing sanctions laws because it has an extremely low burden of proof and does not differentiate serious violations from trivial ones.

Let me explain first how sanctions are triggered in the bill.

Two kinds of behavior are sanctionable: the first is any transfer of technology of any origin by a person of a covered country—and remember, “covered country” includes the United States and several European allies—which contributes to the “design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles” by a foreign person.

The second action that is sanctionable is any contribution to a weapons of mass destruction program made by the diversion of U.S.-origin technology to an unauthorized end-user. Such diversions are sanctionable even if they occur within China or Russia.

The bill penalizes either of these actions—technology transfers or diversion—regardless of whether they are either “knowing” or “material.”

Nearly all of our current proliferation sanctions laws contain these “knowing” and “material” requirement—they do not attempt to punish transfers that are unintentional or are relatively inconsequential.

For example, Section 73 of the Arms Export Control Act—the existing missile sanctions law—requires sanctions whenever a foreign person “knowingly” transfers equipment or technology controlled by the Missile Technology Control Regime, MTCR.

Items controlled by the MTCR meet the test of “materiality” because they

involve either complete missile systems or significant components of such systems.

The Thompson bill, however, punishes all transfers—regardless of whether the firm intentionally engaged in the prohibited conduct or whether the transfer made any difference to the program of the recipient nation.

The only standard is whether it “contributes” to the “design, development, production, or acquisition” of weapons of mass destruction programs. This, potentially, has a very broad sweep.

Does a vehicle supplied by Russia, the United States or a western country and used by the People’s Liberation Army to transport goods from one weapons plant to another “contribute” to “production” of Chinese missiles?

Does cement for a Chinese cruise missile plant “contribute” to the “production” of such missiles? Does advice from an efficiency expert “contribute” to “production”?

Surely they do “contribute” in some way to the production occurring at the facility.

Under the Thompson amendment, all “contributions”—even these relatively inconsequential examples I just cited—would appear to be treated equally.

If we are going to impose sanctions, we should have a rule of reason—and punish transfers that matter. Do we really want to trigger the vast machinery of sanctions over transfers that are not of serious concern?

Additionally, do we want to trigger a vast array of sanctions if the company did not act intentionally?

The fourth major flaw of the amendment is that it could undermine our proliferation policy by singling out China, Russia, and North Korea.

A law that singles out the worst proliferators might, at first blush, make sense. But it sends an odd message to the world that we care only about proliferation from those countries. Why shouldn’t we care just as much about proliferation by Libyan or Syrian firms as by Chinese firms?

To be effective, U.S. sanctions law should be defensible to the world. We can logically explain that proliferation to Iran or Iraq deserves special attention—because of the rogue behavior of those countries. But what is the logic for treating proliferation from China, Russia, and North Korea more seriously than proliferation from other countries?

Moreover, country-specific legislation is unnecessary.

If China, Russia, and North Korea are the worst actors in this area, then any law that applies generally will fall on them disproportionately.

In fact, current proliferation sanctions laws have been used against these three countries more than most others.

The fifth major flaw of the amendment is that it will impose an incredibly burdensome reporting requirement on the intelligence community and the Executive Branch officials responsible for enforcing non-proliferation policy.

The amendment requires that all “credible information” about proliferation activity, no matter whether it is proven or not, no matter whether the activity is significant or not, be included as part of a new magnum opus. This low “credible information” standard is derived from the Iran Non-proliferation Act of 2000. Under this standard, one piece of information from a source deemed to be credible must be reported—even if that evidence later proves to be false.

Congress has yet to receive the first report required under that Act. But we do have some information about the burden it is imposing.

To date, the Intelligence Community has found 8,000 pages of information that is “credible” just on chemical and biological weapons and missile proliferation alone.

Many thousands of staff hours will be required to assemble and analyze the information for this report. Does it really make sense to have our government’s non-proliferation specialists devoting so much time to assembling yet another report—rather than combating the proliferation danger?

Congress hardly suffers from a lack of information about proliferation. We already require a range of reports on the subject. For example:

Congress receives an annual report on proliferation of missiles and essential components of nuclear, chemical and biological weapons—required since 1991;

Congress receives an annual report on the threat posed to the United States by weapons of mass destruction, ballistic and cruise missiles—required since 1997;

Congress receives an annual report on the efforts of foreign countries to obtain chemical and biological weapons and efforts of foreign persons or governments to assist such programs—required since 1991;

Congress receives an annual report on the transfer of chemical agents and the trade precursor chemicals relevant to chemical weapons—required since 1997 under the Senate resolution consenting to the Chemical Weapons Convention;

Congress receives an annual report on compliance with international arms control agreements, which includes a detailed assessment of adherence of other nations to obligations undertaken in nonproliferation agreements or commitments—required since the mid-1980s.

In addition, Members of Congress have full access to a range of regular intelligence reports on the subject of proliferation.

In sum, we do not need another report that will divert officials in the Executive Branch from the daily business of trying to actually stop proliferation.

Mr. President, I understand the motivation at work here. Proliferation by Russia or China makes me angry too! I would have thought that the limitations of this kind of sledgehammer ap-

proach that I have just described would have been made evident by now.

So I remind my colleagues: Keep your eye on the ball! This legislation is not likely to be effective in reducing proliferation by irresponsible actors.

Let me make one final point.

One underlying assumption of the Thompson bill seems to be that there are few non-proliferation statutes on the books. Any such assumption would be false—over the last decade Congress has enacted numerous proliferation laws. Let me highlight a few:

The Chemical and Biological Weapons Control and Warfare Elimination of 1991 contains numerous provisions restricting technology to, or imposing sanctions on, to countries or persons proliferating chemical or biological weapons technology;

The Nuclear Proliferation Prevention Act of 1994 bars U.S. Government procurement in the case of foreign persons who materially contribute to the efforts of individuals or non-nuclear weapons states to acquire nuclear material or nuclear explosive devices, and requires sanctions on financial institutions that finance the acquisition of nuclear material or nuclear explosive devices.

The Foreign Assistance Act bars U.S. foreign assistance to nations that engage in certain proliferation activities;

The Arms Export Control Act provides for sanctions against nations that transfer unsafeguarded nuclear materials or against non-nuclear states which use nuclear devices, including the Glenn Amendment sanctions which were imposed on India and Pakistan in 1998.

The Iran-Iraq Arms Nonproliferation Act of 1992 requires sanctions against persons or countries who knowingly and materially contribute to the efforts by Iran or Iraq to acquire chemical, biological, or nuclear weapons or to acquire destabilizing numbers and types of advanced conventional weapons.

The Export-Import Bank Act bars financing for U.S. exports to any country or person which assists a non-nuclear weapons state to acquire a nuclear device or unsafeguarded special nuclear material.

Finally, a Presidential Executive Order (#12938) requires the Secretary of State to impose certain sanctions against foreign persons who materially contribute or attempt to contribute to the efforts of any foreign country to obtain weapons of mass destruction or a missile capable of delivering such weapons.

In short, it is a delusion to think we have a shortage of laws.

What the senator is complaining about is a failure to use these laws to punish the Chinese and other bad actors. This failure is hardly unique to this Administration.

During President Reagan’s term, China provided nuclear know-how to Pakistan and missiles to Saudi Arabia. The United States responded by selling

advanced conventional weaponry to the People's Liberation Army—torpedoes for its navy, advanced avionics for its air force, and counter-battery artillery radars for its army.

In President Bush's administration, China sold missile technology to Pakistan. The United States responded by briefly imposing sanctions—and then subsequently liberalizing export controls on a wide range of high technology, including the launch of U.S.-made communication satellites by China.

The Clinton Administration has twice sanctioned China for proliferation of missile and chemical technology, but has balked at imposing sanctions in response to China's most recent misdeeds.

The failure of Executive Branch to use sanctions authority occurs in both Republican and Democratic administrations. It is often lamentable. But the appropriate response is not enactment of a severely flawed piece of legislation.

Mr. President, let me sum up.

I understand the Senator's concerns. I agree with him that Chinese proliferation is a serious problem. I disagree with his remedy.

I would be pleased to work with him next year in trying to move serious legislation to fill any gaps that may exist in our proliferation laws through the Committee on Foreign Relations—the committee of jurisdiction.

But I believe that it would be extremely unwise to pass this legislation, as well-intentioned as it is—because I believe it has so many flaws that it is beyond fixing at this late date. This legislation, as currently written, would not succeed, and could seriously harm our non-proliferation efforts.

I urge my colleagues to vote no on the Thompson amendment.

To reiterate, the Senator from New Jersey and the Senator from Tennessee have made some good arguments but on the wrong bill. If you listen to the debate of the proponents, you would assume there is no sanction legislation that exists now relative to China. The irony is that there is significant sanction legislation on the books now.

This quarrel is about two things. Half the people who are for this amendment are against trade with China. The other half of them—I don't mean literally half—are made up of a mix of people, people who are against the bill, the permanent trade relations bill which my senior colleague is managing, and some who are desperately concerned about the prospect of further proliferation by China.

The truth is, what the real fight should be about is why President Bush, President Reagan, and President Clinton have not imposed the laws that are on the books now. We don't need any new sanction laws. We particularly don't need ones that are so desperately flawed as this one, which lowers the threshold so low you can't be certain that, in fact, there is proliferation

going on, raises so many questions that we will spend our time litigating this among ourselves more than we will be doing anything about the problem. And further, this is a circumstance where I don't think there is anyone on the floor who would rise up and criticize this administration if they did what I have publicly and privately suggested to them: Impose sanctions now under existing law.

I am sure none of my colleagues would do this but their staffs may. I refer them to the last third of my statement where I laid out in detail how many laws are on the books now which were enacted relative to proliferation: the Chemical and Biological Weapons Control and Warfare Elimination Act, the Nuclear Proliferation Prevention Act of 1994, the Foreign Assistance Act, the Arms Export Control Act, the Iran-Iraq Arms Nonproliferation Act, the Export-Import Bank Act, which bars financing of U.S. exports, the Executive Order No. 12938, which requires the Secretary of State to impose certain sanctions, et cetera. All the laws are there now. They exist.

What this is really about is the unwillingness in the minds of our colleagues, some of our colleagues, for this administration to once again impose sanctions, or the last administration to impose sanctions.

We became fairly cynical around here because of what happened during the terms of the last two Presidents. What was the response to documented proliferation by China, for example, during President Reagan's term; when China provided nuclear know-how to Pakistan and missiles to Saudi Arabia? The U.S. response, under President Reagan, was to sell advanced conventional weaponry to the People's Liberation Army, torpedoes for its navy, advanced avionics for its air force, and counterbattery artillery radars for its army.

In the Bush administration, China sold missile technology to Pakistan. The United States responded by briefly imposing sanctions and then subsequently liberalizing export controls on a wide range of high-technology issues, including the launch of U.S.-made communications satellites by China.

This isn't about whether or not non-proliferation laws exist. It is about whether or not we have the will to impose upon the President the requirement that he enforce the law now.

Why not pass a resolution here and now and say that the Senate goes on record saying, Mr. President, you should impose sanctions on China now? There is enough of a case to do it now. Why not do that, if you are really concerned about sanctions? This goes beyond that.

Everybody knows if this or any other amendment passes attached to this bill, the larger issue of trade with China is dead, for this term anyway.

In the brief time I have remaining, let me jump to another point. My friends talk about this in terms of—and

I don't doubt their sincerity—their strategic concerns. They talk about the fact of what is going to happen if China sells technology again; what are we going to do? The implication being, had we acted on this amendment favorably and passed it, then China wouldn't sell any more weapons technology. That is a bit of a tautology. They would sell it whether or not this amendment is here. The question is what retribution we take and in what form we take it.

I ask the rhetorical question to my friends from Tennessee and New Jersey, and others who support this amendment. Right now we are trying very hard to deal with two things in North Korea: the existence of fissile material that is able to make nuclear bombs, and their ability to produce a third stage for their Taepo Dong missile that would allow that missile to reach the United States, although it is problematic whether they could put a nuclear weapon on it even if it had a third stage because of the throw-weight requirements.

So what have we been doing? Former Secretary of Defense Perry, and the last administration as well, have been trying to get the Chinese to use their influence on North Korea not to develop long-range missiles. And what has happened? It is kind of interesting that the first amelioration, the first thawing of the ice came with the Agreed Framework during Perry's tenure. The Agreed Framework made sure that North Korea would not be able to acquire more fissile material for nuclear weapons. They stopped making fissile material. It is working. Surprise, surprise.

The second thing is, because of our intercession with China, at least in part, the Chinese had a little altar call, as we say in the southern part of my State, with the North Koreans. The North Korean leader, the guy we were told was holed up, who is manic depressive, a guy who was supposedly schizophrenic, everything else you hear about him, went to Beijing. He came back. Guess what. He had a public meeting with South Korea. Guess what. He concluded that they would stop testing their missile, the third stage of their missile. He further concluded that there should be some rapprochement with the south.

And lo and behold, Kim Jong-il concluded that he, and the North Koreans, wants American troops in South Korea. Surprise, surprise. Why? They don't want the vacuum filled by an Asian power if we leave. China doesn't want North Korea to have a nuclear capacity. It is not in their interest for that to occur.

Now, somebody tell me how we solve the problem of the proliferation of sophisticated nuclear weapons on the subcontinent of India, including Pakistan and India, as well as China, if we are not engaging China. I don't get this. From a strategic standpoint, I don't get how this is supposed to accomplish the strategic goal because my

friend from Tennessee and my friend from New Jersey parse out and make a clear distinction between the strategic objective of their amendment and the economic objective. They say they have no economic objective. Therefore, they are for free trade.

They don't want to scuttle the trade agreement. They say their interest is in the strategic problem of proliferation. I respectfully suggest that amendment is not going to, in any way, change China's proliferation instincts. What is going to change China's proliferation instincts will be a larger engagement with China on what is in our mutual interests—discussions about strategic doctrine, national missile defense, Japan, Korea, and Taiwan. That will effect relations with China, potentially, in a positive way.

Passing this amendment, as my friend from New York said in another venue when I was with him yesterday, will be the most serious foreign policy mistake we will have made in decades. I share his view. I realize it is well intended. My friend from Tennessee says no one has an answer as to how we are going to stop China. I don't have an answer, but I have a forum in which you do that. It is not in the trade bill. It is engaging them in their mutual interests and ours on the future of North Korea, and engaging them and making it clear to them that it is not in their interest to see India become a nuclear state with multiple nuclear warheads and hundreds, if not thousands, of ICBMs. This isn't the way to do it.

I thank my colleagues. I realize my time is up.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senator from Texas, Mrs. HUTCHISON, is recognized for 5 minutes.

Mrs. HUTCHISON. Mr. President, this is a very important vote. It is a very important issue. I have been a strong supporter of opening relations with China, of opening trade with China, not because China has been the kind of ally we would all hope it would be but because I have believed that having open trade relations with them would improve the relationship; that if we had some leverage in a trade relationship, we would be able to ask them and have some leverage for them to have fair trade, to recognize intellectual property rights, and to become a part of the community of nations.

But it seems to me we are saying we want free and open trade and nothing else should matter; that if we have free and open trade, we should not stand up for our national security interests. That is what I have been hearing on the floor now for 2 days. If we are going to engage China on issues such as North Korea and weapons proliferation to Iran and Iraq, as was proposed by the Senator from Delaware, how can we engage them if we say, by the vote today, it is not really a big issue to us, that weapons proliferation takes second place to trade?

For me, national security doesn't take second place to anything. I think it should be the position of the Senate that we are responsible for the national security of our country and that that is our most important responsibility. If we know China is sending its nuclear formulas to places such as North Korea, Iran, Iraq, and that that is going to put American citizens in direct harm's way and stop the balance of power between North and South Korea and make it heavily favoring North Korea, are we really going to stand by and say we will try to engage them when we have not spoken to them in any way when we had the chance to do it, as we do right now? I hope not.

It has been said that it will kill this bill if we add an amendment. I wasn't elected to the Senate to rubber stamp the House of Representatives. I wasn't elected by the people of Texas to rubber stamp the President. I was elected to the Senate to do what I think is right and to fulfill my responsibilities to the people I represent. National security is my No. 1 responsibility. If it kills a bill because the Senate adds an amendment and allows us to talk to the President about it and talk to the House of Representatives, then I think that is our role and our responsibility. I reject totally those who would say don't vote for this amendment; it is a killer amendment; it will kill the bill.

It will not kill the bill. We have brains. We know we might have to compromise in some way, but we want to be forceful that we are not going to allow China to spread nuclear weapons of mass destruction around the world, especially to rogue nations that would do our country wrong. We are not going to stand up and say today, I hope, that we are afraid to amend a bill because it might kill it. No, that is not why I was elected to the Senate. I was elected to the Senate to do what I think is right. I hope the Senate will speak very forcefully today that we can work with the House and with the President and we will pass free trade with China, with national security addressed. That is the issue.

I urge my colleagues to stand up for their people, as they were elected to do. Let's work this out and have a free and fair trade agreement that is good for both countries. Thank you.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator GRAMM from Texas is recognized for up to 10 minutes.

Mr. GRAMM. Mr. President, I rise in strong opposition to the Thompson amendment. I oppose it because it is a bad amendment. Its logic is flawed. It would hurt America more than it would punish China. Let me try to explain why.

First of all, the Thompson amendment goes far beyond denying China access to American dual-use technology that could have defense applications. The Thompson amendment would take American capital markets

and inject politics into them by denying access, for the first time, to a nation that is not engaged in a direct conflict with the United States of America, under our traditional definition of conflict.

Some people seem to have the idea that by adopting PNTR we will be having a marriage with China—that somehow, because we are endorsing normal trade relations with China, we would in effect be endorsing Chinese policies on how they treat their workers, how they protect religious freedom, how they protect the environment, and how they conduct their foreign policy. We are not doing any of those things.

Every criticism of China that has been made is valid. Senator THOMPSON talked earlier about not wanting to irritate the Chinese. I am perfectly willing to irritate the Chinese. But this legislation is about establishing normal trade relations—the same relations we have with virtually every country in the world except countries directly involved in terrorism—with China. We are not talking about a military alliance or a political marriage. We are talking only about normal trade relations.

The Thompson amendment to the PNTR bill would impose political controls on the American capital market with regard to China. Federal Reserve Chairman Greenspan says that the Thompson amendment's financial sanctions "would undercut the viability of our own system and would harm us more than it would harm others." The Securities and Exchange Commission says the Thompson amendment is "antithetical to the United States approach to capital market access and free movement of capital." The Securities Industry Association, which represents securities markets nationwide, says the Thompson amendment "could seriously disrupt investor confidence in United States markets and jeopardize their continued vitality, debt and liquidity."

Senator THOMPSON says he wants a vote on his amendment. I have no objection to Senator THOMPSON having a vote. But he doesn't want anybody else to have a vote on it. If we are going to consider major legislation like the Thompson amendment, as chairman of one of the committees with jurisdiction over major elements of that amendment I would like to have an opportunity to offer my own amendments to it. I know we can get carried away with amendments. And Senator THOMPSON makes a good point. Committees of jurisdiction aren't everything. But I think it is important that we get Alan Greenspan and other people who understand our financial markets to give us input before we take a major step like instituting controls on America's capital markets.

The capital markets and financial institutions controls in the Thompson legislation go against what we have been trying to achieve with the Chinese for many years. For years we negotiated with the Chinese to get them

to open their markets to American financial services companies. We want citizens in China to be able to own a piece of the rock and to invest in retirement accounts in America. Senator THOMPSON's amendment would set up a mechanism to deny them the very rights for which we negotiated so long and hard.

I am not here to endorse China's practices—far from it. I condemn their policies with regard to the environment, with regard to their workers, with regard to religious freedom, and with regard to proliferation. But that is not what we are talking about here. We are talking about establishing normal trade relations. And the key point is: Does anybody believe any one of these areas of concern will be better if we reject PNTR?

I remind my colleagues that in 1948 there were 23 countries that signed the agreement that founded the GATT, now called the WTO. Their common goal was to expand economic trade. One of those 23 countries was China. But one year later, China turned to the dark side. They wanted to remake their society. They wanted to build a "ladder to heaven." They wanted to create equality, except for their political leaders. And they did it—they made everybody poor. Chinese per capita income nosedived. By 1978, Taiwan, which started with fewer economic resources, had a per capita income of \$1,560 a year. China's was \$188. Today, Taiwan has a \$13,000 per capita income, while China's is just \$790.

But the good news is that fifty-two years later, China wants to reverse the terrible decision she made back then, and re-enter the world of trade. China is turning away from the dark side. She is back knocking on the door. Now the question is, Are we going to slam the door in their face?

I say no. Trade promotes freedom. If you are concerned about workers rights in China, do you believe that workers will have more rights in a growing private sector, where they can work for somebody other than the Government? I don't see how you can help but believe that. And if you believe it, then you are going to be for normal trade relations with China. If you want political and religious freedom in China, then give people economic freedom, which ultimately promotes political freedom, as we have seen in Korea and in Taiwan. Developing economic growth in China, so that people have a stake in economic freedom, will ultimately produce a demand on their part for political freedom. And in the process they will begin to change China.

The Thompson amendment is legislation that needs dramatic changes. If we don't table this amendment, it is not going to be adopted. We are going to offer amendments to it. I would be perfectly happy to see this amendment brought up as a freestanding bill, but I want the opportunity to debate it and to amend it. Senator THOMPSON wants to have a vote on his legislation, but he

doesn't want anybody else to have a vote on their amendments to his legislation. I think that is what ultimately brought us to where we are now.

There are security concerns with China. They need to be dealt with. But they cannot be dealt with within the context of PNTR, with a bill that has never been through a committee, that has never had a hearing on its impact, that has not been looked at it to see whether it makes sense. Will it do what we want it to do? Will it hurt us more than it hurts other people?

So I urge my colleagues to reject this amendment and to adopt normal trade relations with China. We are not endorsing China. We are trying to trade with them. We are trying to promote economic freedom because we know economic freedom not only enriches us and them, but ultimately produces an irresistible demand by people to have political freedom. When they have economic freedom, China will change.

This is a bad amendment. It is not ready to be adopted. I hope we table it. As I said, if we don't table it, we are going to amend it; and then we are going to be in a long debate about a subject that is relevant and important. But it is a subject that does not have to do with establishing normal trade relations with China, which is the point of the underlying legislation and which I support.

I will, therefore, vote to table this amendment. I urge my colleagues to do the same. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that at the end of the list of speakers my name be placed next in order to speak not to exceed 15 minutes in opposition to the motion to table.

Mr. ROTH. Reserving the right to object, I must say we have agreed that we would have the vote at quarter of 2. If there is any time left that I have allotted, I will yield it. It looks to me as if I am not going to have any time.

Mr. BYRD. I wouldn't want to take away the Senator's time.

Mr. ROTH. I ask the distinguished Senator—I regret the situation has developed this way, but we have a number of Senators who are leaving so we have fixed a time for the vote specifically at quarter of 2.

Mr. BYRD. Mr. President, I didn't know anything about that agreement until I heard it put and accepted.

Mr. ROTH. I have to object to the request, with all due deference.

Mr. BYRD. I know the Senator regrets doing that.

Mr. ROTH. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from West Virginia.

Mr. BYRD. I will ask for a quorum before the vote that will take longer than 15 minutes. I am entitled to that.

Mr. ROTH. Parliamentary inquiry: Is that correct?

The PRESIDING OFFICER. A quorum call is in order before the vote.

Mr. ROTH. I ask the Senator from Tennessee to please proceed.

Mr. BYRD. Mr. President, I withdraw my request for the time being so the Senator may speak.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, one brief comment and then I am going to yield 5 minutes of my time to the Senator from Ohio.

I say in response to Senator GRAMM, surely I did not hear the basic proposition that I would not do something for him on something else and therefore he is not going to do something for me? Surely I misunderstood that part.

The only other response I would have is at least the Senator from Texas interjected a new way to address this proliferation we are seeing coming from China. His response is trade with them and one day we will magically wake up and they will be dismantling their armaments; they will be quitting selling weapons of mass destruction to these rogue nations, and they will be happy and friendly. All we have to do is have more and more and more trade, and that will solve the proliferation problem.

When that happens, Mr. President, I will present the tooth fairy on the floor of this body.

With that, I yield 5 minutes to my friend from Ohio.

Mr. DEWINE. Mr. President, I rise in strong support of the Thompson-Torricelli amendment. This amendment will give us more of a chance to hold the People's Republic of China, or any nation, accountable for proliferating weapons of mass destruction and the means to deliver them.

This amendment would not have been necessary had this administration shown effective leadership in non-proliferation policy. When the administration sat down with China last year to negotiate an agreement on China's admission to the World Trade Organization, that was an extraordinary opportunity to discuss China's weapons proliferation practices. It was a once in a lifetime opportunity to insist that China change its ways on proliferation once and for all and advance the security of all nations.

That opportunity, sadly, was lost.

The bilateral agreement reached between China and the United States last November is the price China has to pay for our Nation to agree to PNTR and China's admission into the WTO. So the fundamental question is this: Have we imposed a high enough price on the Chinese Government? Sadly, I think the answer is clearly no.

Yes, the bilateral agreement arguably is a good economic document for both countries. However, it is by no means an acceptable document for our own national security. If we are going to sacrifice our annual review of normal trade relations with China, then our next President and the next Congress must have new tools in place to pursue our national security objectives.

It is that simple. And that is why we need to adopt the Thompson amendment.

As my colleagues know, China is a signator of the Nuclear Non-Proliferation Treaty. Article VI of that treaty states that nuclear powers are to:

... pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date. . . .

No nation has violated that specific article in the NPT more egregiously, more openly, and more willingly in the last decade than the People's Republic of China. That is the truth.

In Asia and the Middle East, our Nation and China hold two fundamentally different visions of the future direction of these two regions. Right now, China has used its expertise in nuclear and missile technology to effectively advance their interests and destabilize the region.

For example, at the beginning of the last decade, Pakistan possessed a very modest nuclear weapons program inferior to India's.

That was then. Now the balance of nuclear power has shifted, and it is a far more different and far more dangerous region today.

In the Middle East, it is the same story. News reports have documented China's contributions to Iran's nuclear development, and ballistic and cruise missile programs, including anti-ship missiles that are a threat to our naval presence and commercial shipping in the Persian Gulf. And published news reports say a CIA report issued last month confirmed that Chinese Government multinationals are assisting the Libyan Government in building a more advanced missile program.

China certainly does not see our Government as a serious enforcer of non-proliferation policy—and why should they? As a result, weapons of mass destruction are in far more questionable hands and the world is a far more dangerous place.

The high priority China placed on WTO membership certainly presented our Government with an opportunity to reassert its nonproliferation credentials.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DEWINE. I ask for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. I object.

Mr. MOYNIHAN. I object.

The PRESIDING OFFICER. Objection is heard. Under the previous order, the Senator from Delaware is to be recognized.

Mr. THOMPSON. Mr. President, did I not have additional time?

Mr. ROTH. No, the vote is set for 1:45. But, we are trying to work this out.

The PRESIDING OFFICER. The vote was to occur at 1:45.

Mr. DEWINE addressed the Chair.

Mr. ROTH. I ask consent Senator BYRD now be recognized for up to 10 minutes and, following those remarks,

I be recognized in order to make a motion to table.

The PRESIDING OFFICER. Is there objection? The Senator from Ohio.

Mr. DEWINE. Mr. President, I will certainly not object, but I just add to that, if I can have 2 additional minutes to finish my comments and we can then proceed?

Mr. ROTH. Unfortunately, we are in a very tight timeframe. I respectfully ask the Senator from Ohio to please comply. We must proceed. I have tried to satisfy everybody. I ask him not to proceed.

Mr. DEWINE. I certainly will not object to the request of the chairman of the committee. I have enough respect for my colleague, if that is what my colleague thinks is absolutely necessary to not object.

Mr. THOMPSON. Mr. President, we also had a unanimous consent for an additional, I think, 5 minutes that was allotted to me. I think the Senator from Ohio should be given at least an additional 2 minutes, if that is the case. I certainly agree Senator BYRD should be given some time. There is no reason why we cannot work this out.

Mr. ROTH. Let me say to the distinguished Senator, I am yielding my 5 minutes. I am not speaking.

Mr. THOMPSON. I am not speaking either, and I will yield the remainder of my time after the Senator from Ohio is finished. I will yield the remainder of any time I have.

Mr. ROTH. All right. We will let the Senator from Ohio have—what is it, 2 minutes?

Mr. THOMPSON. Yes.

The PRESIDING OFFICER. Is there objection to the modified request? Without objection, it is so ordered.

Mr. DEWINE. Mr. President, we can make up for this lost opportunity by passing this amendment. It is vitally important, I believe, that we do this and we move forward.

This amendment is not just about holding other nations accountable as proliferators, it is also about holding our President accountable as the world's principal nonproliferation enforcer.

With this amendment, Congress would receive a comprehensive report each year from the President about the proliferation practices of other nations. This report would require comprehensive information on proliferation practices, how these acts threaten our national security, and what actions are being taken by the President in response to these violations.

This reporting requirement will prevent future administrations from repeating the approach taken by the current administration, which ran and hid from our nonproliferation laws and responsibilities.

The amendment of the Senator from Tennessee would dramatically improve the PNTR legislation. I say this because PNTR is not just about trade—it is about U.S. foreign policy. We cannot let our trade policy with China

supercede our national security policy. The lessons learned from the Cox Commission were clear: foreign policy and national security policy must drive trade policy and not the other way around.

I ask my colleagues: Have we asked enough of China? Has this administration done enough to advance our foreign affairs with China? I believe the answer to both is a resounding "no." The Thompson-Torricelli amendment gives the Senate a chance to insist on more from China and more from this administration. If both China and future administrations are going to take this Senate seriously as a clear and strong voice in our national security policy, we should stand together to support this amendment.

I thank my colleagues, I thank my colleague from Tennessee, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise today to congratulate Senator FRED THOMPSON and Senator TORRICELLI. They are speaking the people's language. They are talking plain, commonsense. They are right in offering this amendment.

Senator THOMPSON is asking that we in this Senate pay attention to the national security concerns of this Nation, asking that we put national security ahead of greed. What is wrong with that? He is asking that we put the national security of the United States of America ahead of election-year politics.

What is the matter with this Senate? Can we not see the handwriting on the wall?

The proliferation of weapons of mass destruction—nuclear weapons, ballistic missiles, chemical weapons, biological weapons—is a growing menace to world stability. Can we not see that? The acquisition of nuclear weapons by such rogue nations as North Korea, Iran, and Iraq is the driving force behind the costly and complicated effort by the United States to deploy a national missile defense system. Can we not see that?

The proliferation of weapons of mass destruction is forcing the nations of the world, including the United States, to reevaluate their own national security and to confront once again the nightmarish possibility of nuclear war. Can we not see that?

The main perpetrators behind the spread of weapons of mass destruction are China, Russia, and North Korea. According to the Central Intelligence Agency, in a report to Congress released last month, this unholy trinity of proliferators were the key contributors to the pipeline of ballistic missile related supplies and assistance going into the Middle East, South Asia, and North Africa.

It seems ludicrous to me that we would even consider standing here and debating the merits of extending Permanent Normal Trade Relations status

to the People's Republic of China without addressing the issue of China's leading role in the proliferation of weapons of mass destruction. The Thompson-Torricelli amendment, of which I am a cosponsor, is essential to tightening our scrutiny of and control over the illegitimate trafficking in weapons of mass destruction by Chinese entities.

What weak dishwater is the excuse that we cannot add anything to the House-passed bill that would force a conference that might make some members of the House uncomfortable. What a sorry spectacle is a Senate completely cowed by the possibility that we might upset the Chinese if we add this provision.

What a travesty that the Secretary of Defense is reported to be calling Senators to oppose an amendment that puts the Chinese on notice about their egregious actions regarding the proliferation of weapons of mass destruction—weapons that threaten the safety of the planet.

I care nothing about a President's legacy if this is the price. I care nothing about profits for multinational companies if this is the price.

I took an oath to defend the Constitution of the United States against all enemies, foreign and domestic, and so did every other member of this body. Are we to tear up that oath for the election-year politics and greed?

Do we think that the American people are watching this debate with pride today? Do we think the American people are willing to auction off this Nation's security interests for the low bid of a Chinese promise to reduce tariffs?

China's string of broken promises is longer than its Great Wall.

We are talking here about the wanton export of nuclear weapons, of chemical weapons, of biological weapons and of long-range missiles. And what do we hear as a defense against addressing such dangerous and diabolical behavior? We hear the tepid, waterlogged response that such action we might take would endanger passage of this trade bill.

I have been in legislative bodies for 54 years, Mr. President. This is the first time I have ever seen anything such as this. When I was in the House of Delegates in West Virginia, I objected to being bound by a caucus, and I have never yet intended to be bound by any cabal or any commitment that, regardless of what the merits may be on a given amendment, we will vote against it. I have never seen that happen. I have never been one to believe in that approach.

I say to my friend from South Carolina, Senator HOLLINGS, the world's greatest deliberative body is quaking and wringing its hands over an amendment that would send a shot over the bow of the rogue elephant behavior of the Chinese.

We tremble at the thought of Chinese displeasure. Our lips quiver at the thought of displeasing big business or

the president of the Chamber of Commerce or Cabinet members of the Clinton administration or the President himself as they dial for dollars and for votes. Those of us who refuse to roll over like good dogs just don't get it. We know that the fix is in on this fight, but we just keep slugging anyway. Maybe we will land a good punch or two if we fight on. Maybe the powers that be in China will notice there were some in the Senate who refused to legitimize China's outrageous disregard for the safety of the world by handing them the trophy of PNTR. Thank God for the likes of Senator PAUL WELLSTONE, Senator FRED THOMPSON, Senator FRITZ HOLLINGS, and Senator BOB TORRICELLI, and the 33 brave souls—33 brave souls, I want you to know—who dared to vote with me on a couple of modest amendments to this ill-advised trade bill. I thank them.

I believe the American people know what we are trying to do, and I believe they will put patriotism over pandering for profit any day.

I ask unanimous consent to print in the RECORD an item from the New York Times titled "Wavering Senators Feeling Pressure on China Trade Bill." I will have more to say about that later.

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

[From the New York Times, Sept. 13, 2000]

WAVERING SENATORS FEELING PRESSURE ON  
CHINA TRADE BILL  
(By Eric Schmitt)

WASHINGTON, SEPT. 12.—Corporate leaders and several of President Clinton's cabinet officers intensified pressure today on wavering senators to reject an amendment that could jeopardize passage this year of a trade bill with China.

As the Senate girds for a crucial vote on the measure this week, supporters of legislation to establish permanent normal trading relations with China are pressing for a bill free of amendments. Those supporters say there is not enough time before Election Day to reconcile an amended Senate bill with the version that the House passed in May.

At a White House meeting with Congressional leaders today, Mr. Clinton urged speedy approval of an unamended bill. The measure is one of his top remaining foreign policy goals and a necessary step for American companies to benefit fully from a deal reached last year by the United States and China that paves the way for China's entry into the World Trade Organization. That 135-member trade group sets rules for global commerce.

At issue is an amendment sponsored by Senators Fred Thompson, Republican of Tennessee, and Robert G. Torricelli, Democrat of New Jersey, that would impose sanctions on Chinese companies if they were caught exporting nuclear, chemical or biological weapons or long-range missiles.

Defense Secretary William S. Cohen; Treasury Secretary Lawrence H. Summers; Mr. Clinton's national security adviser, Samuel R. Berger; and the United States trade representative, Charlene Barshefsky, began telephoning senators today, arguing that the amendment would not only imperil the trade bill, but would also actually hamper American efforts to combat the spread of sophisticated weaponry.

Senate aides negotiated the timing of votes. Senators could take up Mr. Thomp-

son's amendment on Wednesday or Thursday. Final passage of the overall bill, which has overwhelming support, could occur as early as Friday or as late as next Tuesday.

China will enter the W.T.O. no matter how the Senate votes. But without Congress's blessing, Beijing could withhold some of the trade benefits, including lower tariffs, from the American farmers and companies that it will extend to other members in the trade group.

Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

"Should this vote get tangled up in the politics of nuclear proliferation and other amendments to the extent that it might not be passed," Mr. Donohue said, "I think that would have a very serious political implication for those who were a party to that action."

Senators easily dispatched several other amendments today, including those on prison labor and human rights in China, as well as subsidies from Beijing to Chinese companies. But on the floor and in news conferences, the focus was on the Thompson-Torricelli amendment. "This is the vote on P.N.T.R.," Senator Max Baucus, Democrat of Montana said as he used the bill's abbreviation.

Senator Tom Daschle of South Dakota, the Democratic leader, stated that opponents "have the votes to defeat Senator Thompson's amendment."

Even Mr. Thompson acknowledged that he faced an uphill battle. "We've always known it was going to be a tough vote," Mr. Thompson told reporters. "A lot of people are saying they would like to vote for it. But since it is on P.N.T.R., they're afraid it will complicate P.N.T.R."

Supporters said the measure was necessary to clamp down on Chinese exports of sophisticated weaponry to Iran, Libya, North Korea and Pakistan.

"What is especially troubling about the Chinese activities is that this sensitive assistance is going to the most dangerous nations in the most volatile areas of the world," said Mr. Torricelli.

Backers of the amendment scoffed at fears that amending the bill would doom the larger bill this year. "To say we cannot amend a bill that has been passed by the House would be the height of irresponsibility," said Senator Kay Bailey Hutchison, Republican of Texas.

But amendment critics, including farm-state Republicans, said it was senseless to jeopardize a trade bill that would lower barriers to China's vast markets. "Approval for this bill will keep the United States economically and diplomatically engaged with one-fifth of the world's population," said Senator Pat Roberts, Republican of Kansas. "I cannot support a redundant and counterproductive amendment that would effectively kill this legislation."

Mr. BYRD. Mr. President, I close by thanking Senator ROTH, Senator MOYNIHAN, and other Senators who have been so considerate and courteous. I yield the floor.

Mr. ROTH. Mr. President, I spoke at length about my opposition to the Thompson amendment on Monday. But I want to briefly reiterate that I believe this amendment, while well-intentioned, is seriously flawed. In particular, this legislation relies on unilateral sanctions that are too widely drawn and too loosely conceived to prove effective in countering proliferation. In a global economy, shutting off

Chinese and Russian access to American goods, agricultural and capital markets will not change Chinese or Russian behavior. Indeed, such actions would isolate the United States, not China, giving our competitors an open road to the world's biggest nation and fastest-growing market.

And make no mistake about it: though there have been changes to the bill to reduce the impact on farmers, virtually every member of the farming community—from the Alabama Farmers Federation to the National Chicken Council—has said in a letter that they are absolutely against the Thompson amendment. Moreover, for the first time, U.S. securities markets will be used as a sanctioning tool. That's why Alan Greenspan opposes this legislation.

The unilateral sanctions in this amendment are also indiscriminate in their application and could be applied to some of our closest allies, such as Germany, the United Kingdom, Italy, and France. Surely such actions will make future multilateral cooperation—which is absolutely essential to solving proliferation problems—far more difficult. Another problem with this amendment is that even though the President is theoretically able to waive sanctions, Congress gains the power to overturn the President's waiver through a procedure exactly the same as the counterproductive one we currently use in annually renewing normal trade relations with China.

In addition, the evidentiary standard used to trigger sanctions, one of "credible information," is too low. Surely, critical national security actions should be based on a higher standard, especially when they are could very well be applied to our closest allies. It also appears that the Thompson amendment could have a disastrous effect on our Cooperative Threat Reduction Program—better known as the Nunn-Lugar Program—with Russia and Russian entities.

Section 4 of the Thompson amendment contains language that would ban Nunn-Lugar assistance to any Russian entity identified in the report required by the amendment of the President. And so this amendment could actually have the perverse effect of decreasing our ability to stem proliferation problems in Russia. The Thompson amendment also raises serious constitutional concerns. For example, Congress' disapproval of the President's determination could result in severe sanctions against persons for actions that were perfectly legal when taken. The ex post facto effect raises serious due process questions. The standard of proof, which could result in sanctions against individual U.S. citizens based on suspicions, rather than proof, raises separate due process concerns. The congressional disapproval procedures raise separation of powers problems. In reversing the President's determinations regarding sanctions, Congress will, in effect, implicitly be second-guessing the

exercise of the President's prosecutorial discretion.

Proliferation is a matter of vital national interest. I applaud my friend from Tennessee for raising this issue, and I hope he will continue his work in this critical area next year, when I hope we can come to agreement on a measure that will gain the support of an overwhelming majority of this Chamber. But I must urge all my colleagues to join me in opposing the Thompson amendment.

Mr. President, I move to table the Thompson amendment No. 4132, and 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 motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) 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 (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—65

Allard	Durbin	Lincoln
Baucus	Edwards	Lugar
Bayh	Enzi	Mack
Bennett	Feinstein	Miller
Biden	Fitzgerald	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Burns	Hatch	Roberts
Campbell	Inouye	Rockefeller
Chafee, L.	Jeffords	Roth
Cleland	Johnson	Schumer
Cochran	Kennedy	Smith (OR)
Craig	Kerrey	Stevens
Crapo	Kerry	Thomas
Daschle	Landriau	Voinovich
Dodd	Lautenberg	Warner
Domenici	Leahy	Wyden
Dorgan	Levin	

NAYS—32

Abraham	Hollings	Sarbanes
Ashcroft	Hutchinson	Sessions
Bunning	Hutchison	Shelby
Byrd	Inhofe	Smith (NH)
Collins	Kohl	Snowe
Conrad	Kyl	Specter
DeWine	Lott	Thompson
Feingold	McCain	Thurmond
Frist	McConnell	Torricelli
Gregg	Mikulski	Wellstone
Helms	Santorum	

NOT VOTING—3

Akaka	Gorton	Lieberman
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The motion was agreed to.

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

Mr. MOYNIHAN. 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 Connecticut.

Mr. DODD. Mr. President, parliamentary inquiry: I think under the order,

my colleague and friend from North Carolina is to be recognized to offer an amendment at this juncture. I have had a brief discussion with my colleague from North Carolina. I don't know whether I need to ask unanimous consent to proceed for 5 minutes prior to Senator HELMS being recognized or not in order to achieve that result. May I inquire what is the parliamentary situation?

The PRESIDING OFFICER. Recognition of the Senator from North Carolina is to occur at 2:30. The Senator from Connecticut has the floor.

Mr. DODD. I thank the Chair.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. DODD. I am happy to yield.

Mrs. HUTCHISON. Does the Senator from Connecticut need the full 10 minutes? I wanted to speak for a few minutes as in morning business if he didn't need it all.

Mr. DODD. If the Chair will inform the Senator from Connecticut when 8 minutes have transpired, I will leave a couple minutes for my friend from Texas.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I intended to offer these remarks prior to the consideration of the Thompson-Torricelli amendment, but time did not permit it. I am pleased with the outcome of the vote in this Chamber regarding the Thompson amendment. I do regret, in a sense, that we had to take the vote. I am concerned that the powers that be in the People's Republic of China, or elsewhere, may misread the vote as somehow rejection of our concern on the issue of nuclear proliferation. Nothing could be further from the truth. This vote that occurred is obviously one where most of us felt very deeply that the underlying agreement is of critical importance, as is the subject matter of the amendment offered by our friends and colleagues from Tennessee and New Jersey. But it is the strong view of many of us that this was an unrelated matter and the amendment, as drawn, was flawed in several respects.

Specifically, the amendment called for the imposition of unilateral sanctions against the People's Republic of China, Russia, and North Korea for past and prospective proliferation activities. Although the amendment did give the President the authority to waive these sanctions under certain circumstances, it also provides for the congressional challenge of the President's use of that authority under expedited procedures. Clearly, the issue the sponsors sought to address in this amendment is a deeply serious one, with significant national security and foreign policy implications.

I, for one, would not attempt to stand here and argue that the People's Republic of China, or North Korea, or Russia, or several other nations for that matter, have always steadfastly adhered to the international standards



set forth in the existing multilateral nonproliferation agreements and arms control regimes. Nor would I suggest that China does not have the same obligations that every other nation has to ensure that its exports of sensitive nuclear weapons-related technology to North Korea, Iran, Libya, and other states seeking to acquire such dangerous weapons capability cease to occur.

I do wonder, however, whether the underlying legislation is the appropriate place to be having a debate about an issue that is, after all, a global problem that goes well beyond our trade relations with one nation.

Nor is the problem likely to be solved by our simply legislating sanctions against one country or another. This is a multilateral problem that isn't going to be contained without meaningful cooperation and the involvement of all nations with a stake in containing the spread of nuclear weapons and other weapons of mass destruction.

I am also fearful that whichever way the vote turned out—and in this case it was defeated—it will be misinterpreted by those who want to believe that the U.S., and specifically the U.S. Senate, does not care about the issue of nuclear proliferation, and therefore potential proliferators are free to do whatever they want.

I don't believe that is an accurate nor wise message to be sending. Nor do I think it serves to further international nuclear nonproliferation cooperation.

As to the specifics of the amendment just adopted, I am puzzled by how the sponsors have chosen to approach what is, after all, a global problem. They have chosen to single out three countries—China, Russia, and North Korea—for their participation in proliferation activities, while effectively ignoring similar actions taken by other smaller nations. The list is much larger than those three nations. Any action taken should be global in its focus.

I also don't understand why our existing nuclear nonproliferation laws don't provide at least what I believe for the time being sufficient authority to the President to respond accordingly to violations of international nonproliferation standards by China or any other potential exporter.

These laws include: the Arms Control and Disarmament Act, Arms Export Control Act, International Emergency Economic Powers Act, Export Administration Act, Chemical and Biological Weapons Control Elimination Act, Iran-Iraq Nonproliferation Act, Nuclear Proliferation Prevention Act, and the Iran Proliferation Act of 2000. These laws cover a full range of dangerous proliferation activities.

The mechanics of the amendment just rejected also gave me great pause. The low evidentiary standards in the amendment could automatically trigger a number of mandatory unilateral sanctions that would ultimately hurt,

or could hurt, our foreign policy, economic, and technological interests. We must ensure that only those who traffic in arms are affected by those sanctions.

Proliferation is a very delicate and complex issue that affects our economic and foreign policy agendas. Ensuring the fullest cooperation of all the major participants in this sector is by its very nature a dynamic process with significant diplomatic ramifications. Attempting to legislate the mechanics of this effort is akin to attempting to perform brain surgery with a hacksaw, in my view.

China has problems—serious ones—with proliferation. Nobody here is going to claim that China is a benevolent democracy, and I am sure we all agree that there is much China must do to meet the standards we expect of civilized nations who are going to join the World Trade Organization. Yet, I also believe we should recognize that there has been some positive movement in this area.

Recent efforts at U.S. engagement have resulted in China joining a number of major multilateral arms control regimes in assisting us to defuse a nuclear crisis on the Korean peninsula, and in participating constructively in international efforts to contain the escalating arms race between India and Pakistan.

How can we build on that progress? Are we going to do it by denying China PNTR or mandating the imposition of unilateral sanctions? Surely, there has to be a better way to encourage additional cooperation from Chinese authorities in this area.

I respectfully suggest that the Thompson amendment should not be misinterpreted because, as important as it is, it would be misguided, in my view, to include it as was attempted in this particular legislation. There is a far greater chance that we are going to get the kind of cooperation as a result of China being a part of the World Trade Organization than isolating them further.

I hope we will have another opportunity to address the proliferation issue. It is one that needs to be addressed. This would have been the wrong place.

(The remarks of Mrs. HUTCHISON are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized.

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

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

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 4128

Mr. HELMS. Mr. President, during the course of the Senate's consideration of handing China the permanent most favored nation status—that is what it amounts to; just giving it to

them—several of us have highlighted the abhorrent human rights record of the Communist Chinese Government.

China's practice of forcing its women citizens to submit to abortions and/or sterilization—usually both—is not only revolting; it is shameful, because it is a practice that has been repeatedly documented for 20 years now. In fact, the most recent State Department Human Rights Report on China contains a detailed account of the cruel, coercive measures used by Chinese officials, such as forced abortion, forced sterilization, and detention of those who even dare to resist this inhumane treatment.

My pending amendment proposes to put the Senate on record as condemning the Chinese dictatorship's barbaric treatment of its own people.

Although the Politburo of the Chinese Communist Party officially says—and I say absurdly says, and they say it—that forced abortion has no role in China's population control, it is, to the contrary, a known fact that the Chinese Government does indeed, absolutely, and without question, force women to submit to forced abortion and to sterilization. Communist Chinese authorities strictly enforce birth quotas imposed on its citizens. They pay rewards to informants tattling on the women for having more than one child while making certain that local population control officials using coercion are left absolutely unrestrained in the way they conduct themselves.

For example, I have in hand reports of this cruel situation from many Chinese citizens. I received this information in my capacity as chairman of the Senate Foreign Relations Committee. These citizens have witnessed firsthand countless episodes of this bloody cruelty. A defector from China's population control program testified before a House International Relations Committee hearing in June a couple of years ago that the Central Government policy in China strongly encourages local officials to use every conceivable coercive tactic in enforcing the one-child policy. They have described to me in person the results of women crying and begging for mercy simply because they were prepared to deliver a child.

Furthermore, Communist China's population control officials routinely punish women who have conceived a child without Government authorization. They subject the women to extreme psychological pressures, enormous fines which they can't possibly pay, along with the loss of their jobs, and with all sorts of other physical threats.

If women in China dare to resist the population control policy on religious grounds, they have to confront especially gruesome punishment. Amnesty International reported to us, and publicly, that Catholic women in two villages were subjected to torture, to sexual abuse, and to the detention of their relatives for daring to resist China's population program.

Very credible reports indicate that if "these" methods aren't enough to convince women in China to abide by the regime's population control program, forced abortions are carried out publicly in the very late stages of pregnancy.

I think it was back in 1994 when it began. Since that time, forced abortion has been used in Communist China not only to regulate the number of children born but under the policy known as the "Natal and Health Care Law," pregnancies are terminated on a mandatory basis if a Government bureaucrat arbitrarily declares that an unborn child is defective. Nobody checks on him. He doesn't have to present any evidence. He just says the child is defective. That is it.

I believe it is common knowledge that I am a resolute defender of the sanctity of life. I have tried to do that ever since I have been a Senator, and prior to that time. But the pending amendment is not merely about life; it seems to me it is about liberty. Bureaucrats terrorizing women into unwanted abortions or medical operations permanently depriving them of their capability to have children, it seems to me, is the ultimate appalling affront to freedom.

My pending amendment urges the President to ask the Chinese Government to stop this ungodly practice. My amendment also calls on the President to urge the Chinese Government to stop putting Chinese women in jail whose crime is resisting abortion of a child or sterilization.

I think this is a modest measure. It doesn't condition PNTR on China's Government changing its abhorrent behavior. It simply asks the President of the United States to say to the Chinese that we want to defend the rights of women in China and ask the Chinese officials to see that that happens.

The question that comes to my mind is, Can the Senate proceed to award China with permanent trade privileges while refusing to express our revulsion at a basic violation of women's freedom?

The amendment I shall propose and call up in just a moment will not at all endanger passage of PNTR. We need not worry about that. I don't think PNTR ought to be approved at this time. But this amendment will not forbid or do any danger to the enactment of PNTR. It will simply be a matter of the Senate doing and saying the right thing before it happens.

AMENDMENT NO. 4128

(Purpose: To express the Sense of Congress regarding forced abortions in the People's Republic of China)

Mr. HELMS. Mr. President, I now call up amendment No. 4128.

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 4128:

At the end of the bill, insert the following:  
**SEC. 702. SENSE OF CONGRESS REGARDING FORCED ABORTIONS IN CHINA.**

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

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For more than 18 years there have been frequent, consistent, and credible reports of forced abortion and forced sterilization in the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion has no role in the population control program, in fact the Communist Chinese Government encourages forced abortion and forced sterilization through a combination of strictly enforced birth quotas, rewards for informants, and impunity for local population control officials who engage in coercion.

(B) A recent defector from the population control program, testifying at a congressional hearing on June 10, 1998, made clear that central government policy in China strongly encourages local officials to use coercive methods.

(C) Population control officials of the People's Republic of China, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical punishment.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. According to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to enforcement measures including torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy, including numerous examples of actual infanticide.

(F) Since 1994 forced abortion has been used in Communist China not only to regulate the number of children, but also to destroy those who are regarded as defective because of physical or mental disabilities in accordance with the official eugenic policy known as the "Natal and Health Care Law".

(3) According to every annual State Department Country Report on Human Rights Practices for the People's Republic of China since 1983, Chinese officials have used coercive measures such as forced abortion, forced sterilization, and detention of resisters.

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

(1) the President should urge the People's Republic of China to cease its forced abortion and forced sterilization policies and practices; and

(2) the President should urge the People's Republic of China to cease its detention of those who resist abortion or sterilization.

Mr. HELMS. I thank the clerk. I thank the Chair.

I ask for the yeas and nays. I don't believe I will be able to get them at this moment.

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. HELMS. 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. HELMS. Mr. President, I simply want to inquire about how much time I have remaining on my side.

The PRESIDING OFFICER. The Senator has 21 minutes.

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. 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. HELMS. 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. HELMS. Mr. President, I ask unanimous consent it be in order for me to request and to receive a rollcall on the pending amendment.

Mr. ROTH. Reserving the right to object, I think the hope is that we will set the vote aside and have several votes later.

Mr. HELMS. Do I have the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I say to the distinguished chairman that I am aware of that and I favor it. However, I do want to get the yeas and nays on my amendment. The scheduling of a whole series of amendments suits me just fine.

Mr. ROTH. We join the Senator in asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. China's record on family planning and its use of forced abortion is indefensible. The country's policy violates the most fundamental human rights. That is why the United States does not contribute funds directly or indirectly to China's family planning programs.

My good friend and distinguished colleague from North Carolina is to be commended for bringing the matter of Chinese forced abortions to our attention. I do not oppose his amendment on its merits. I only oppose it as an amendment to H.R. 4444.

As I said, if PNTR is amended, a conference and another round of votes on H.R. 4444 will be necessary, likely destroying any chance for PNTR. Therefore, I must ask that my colleagues join me in voting against this amendment.

The PRESIDING OFFICER. If no one yields time, time will be equally charged on both sides.

Mr. HELMS. Mr. President, we have a Senator on the way to the Chamber to speak on the pending amendment. I suggest, to save time, the pending amendment be laid aside temporarily so I can call up a second amendment.

The PRESIDING OFFICER. Is the Senator making a unanimous consent request?

Mr. HELMS. Mr. President, I ask unanimous consent—and I hope everyone will agree to the unanimous consent—to lay aside the pending amendment.

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

Mr. HELMS. Mr. President, I wish to renew my request that it be in order for me to be seated during the presentation of my remarks.

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

AMENDMENT NO. 4123

(Purpose: To require the Secretary of Commerce to consult with leaders of American businesses to encourage them to adopt a code of conduct for doing business in the People's Republic of China)

Mr. HELMS. Mr. President, I call up amendment No. 4123 and ask it be stated.

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 4123.

At the end of the bill, insert the following:  
**SEC. \_\_. CODE OF CONDUCT FOR BUSINESSES.**

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

(1) The Chief Executive of Viacom media corporation told the Fortune Global Forum, a gathering of hundreds of corporate leaders in Shanghai to celebrate the 50th anniversary of communism in China in September 1999, that Western media groups "should avoid being unnecessarily offensive to the Chinese government. We want to do business. We cannot succeed in China without being a friend of the Chinese people and the Chinese government."

(2) The owner of Fox and Star TV networks has gained favor with the Chinese leadership in part by dropping programming and publishing deals that offend the Communist Government of China, including the book by the last British Governor of Hong Kong.

(3) The Chief Executive of Time Warner, which owns the Fortune company that organized the Global Forum, called Jiang Zemin his "good friend" as he introduced Jiang to make the keynote speech at the conference. Jiang went on to threaten force against Taiwan and to warn that comments by the West on China's abysmal human rights record were not welcome.

(4) The Chief Executive of American International Group was reported to be so effusive in his praise of China's economic progress at the Global Forum that one Chinese official described his remarks as "not realistic".

(5) The founder of Cable News Network, one of the world's richest men, told the Global Forum that "I am a socialist at heart."

(6) During the Global Forum, Chinese leaders banned an issue of Time magazine (owned by Time-Warner, the host of the Global Forum) marking the 50th anniversary of communism in China, because the issue included commentaries by dissidents Wei Jingsheng, Wang Dan, and the Dalai Lama. China also blocked the web sites of Time Warner's Fortune magazine and CNN.

(7) Chinese officials denied Fortune the right to invite Chinese participants to the Global Forum and instead padded the guest list with managers of state-run firms.

(8) At the forum banquet, Chinese Premier Zhu Rongji lashed out at the United States for defending Taiwan.

(9) On June 5, 2000, China's number two phone company, Unicom, broke an agreement with the Qualcomm Corporation by confirming that it will not use mobile-phone technology designed by Qualcomm for at least 3 years, causing a sharp sell off of the United States company's stock.

(10) When the Taiwanese pop singer Ah-mei, who appeared in advertisements for Sprite in China, agreed to sing Taiwan's national anthem at Taiwan's May 20, 2000, presidential inauguration, Chinese authorities immediately notified the Coca-Cola company that its Ah-mei Sprite ads would be banned.

(11) The company's director of media relations said that the Coca-Cola Company was "unhappy" about the ban, but "as a local business, would respect the authority of local regulators and we will abide by their decisions".

(12) In 1998, Apple Computer voluntarily removed images of the Dalai Lama from its "Think Different" ads in Hong Kong, stating at the time that "where there are political sensitivities, we did not want to offend anyone".

(13) In 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to comply with China's Internet rules which provide for censoring any political information deemed unacceptable to the Communist government.

(b) SENSE OF SENATE.—It is the sense of Senate that in order for the presence of United States businesses to truly foster political liberalization in China, those businesses must conduct themselves in a manner that reflects basic American values of democracy, individual liberty, and justice.

(c) CONSULTATION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall consult with American businesses that do business in, have significant trade with, or invest in the People's Republic of China, to encourage the businesses to adopt a voluntary code of conduct that—

(1) follows internationally recognized human rights principles, including freedom of expression and democratic governance;

(2) ensures that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief;

(3) ensures that no convict, forced, or indentured labor is knowingly used;

(4) supports the principle of a free market economy and ownership of private property;

(5) recognizes the rights of workers to freely organize and bargain collectively; and

(6) discourages mandatory political indoctrination on business premises.

Mr. HELMS. Mr. President, the pending amendment proposes that the Secretary of Commerce be requested to consult with American businesses on drafting and adopting a voluntary code of conduct for doing business in China. Such a voluntary code of conduct would follow internationally recognized human rights, work against discrimination and forced labor, support the principles of free enterprise and the rights of workers to organize, and discourage mandatory political indoctrination in the workplace.

The purpose of this amendment is this: So often in this debate, the argument has been advanced that only by exposing the Chinese Government and the Chinese people to our values through expanded trade and investment can we hope to bring about polit-

ical change in China, and the only way we can help that desired achievement is to do as the amendment proposes.

I have always been skeptical about this because businesses are not in the business of expanding democracy. I am not going to comment on what the businesses support in PNTR and the way it is being supported. Be that as it may, businesses exist, quite frankly, to make money. I certainly have no problem with that. But let's be honest on the process of what we are doing here in this Senate Chamber. American businesses, even if viewed in the most charitable light, are not likely to lift a finger to promote democracy in China. Unfortunately, it is difficult to view some of the American businesses charitably when we examine their attitude toward China. If I step on some toes here, I am sorry, but I believe I must have my say for the benefit of the Senate.

The powerful lure of potential huge Chinese markets has obviously clouded the judgment of some of our top companies and some of their executives. With regret, I have concluded that some of America's top businesses have been willing to supplicate to the Communist Government of China, hoping that the Chinese Government will allow them someday to make a profit there.

I want the Senate to consider the following statements and actions by American businesses in China, which are stated as findings in the pending amendment:

No. 1, the chief executive of Viacom media corporation told the Fortune Global Forum, a September 1999 gathering of hundreds of corporate leaders in Shanghai gathered to celebrate—get this—the 50th anniversary of communism in China—They gathered to celebrate the fact that western media groups, "should avoid being unnecessarily offensive to the Chinese Government."

No. 2, the owner of Fox and Star TV networks has repeatedly gained favor with the Chinese leadership by dropping programming and publishing deals that offend the Communist Government of China, including a book written by the last British Governor of Hong Kong.

No. 3, the Chief Executive of American International Group was reported to be so effusive in his praise of China's economic progress at this global forum that one Communist Chinese official described the remarks as "not realistic."

No. 4, the founder of CNN, one of the world's wealthiest men, proudly told the global forum, "I am a socialist at heart."

No. 5, in 1998, Apple Computer voluntarily removed images of the Dalai Lama from its "Think Different" ads in Hong Kong, stating at the time,

“Where there are political sensitivities, we did not want to offend anyone.”

No. 7, in 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to comply with China's Internet rules which provide for censoring any political information—now get this—“deemed unacceptable to the Communist government.”

I am forced to wonder if some of our business leaders understand what they are doing when they make such statements and make such decisions. Obviously, they are trying to curry favor with the Communist Government of China in which they aim to do business. But isn't there a limit to what they would do to accomplish what they seek? To say things that are so clearly untrue, or to agree to self-censorship when some of them are in the media business, it seems to me, undermines the ultimate goal of these companies—their higher profits—by legitimizing a Communist government that manifestly does not even believe in the free enterprise system.

In any event, some U.S. businesses certainly did not seem to get a very good return on their investment of goodwill. Just consider how the Chinese Government repaid Time-Warner, for example. At the very moment that Time-Warner was sponsoring a conference in Shanghai for American business leaders to celebrate the 50th anniversary of Chinese communism, Chinese leaders banned the then-current issue of Time magazine, which is owned, of course, by Time-Warner. They removed it from the Chinese news stands—because of what? Because that issue happened to include commentaries by some Chinese dissidents and by the Dalai Lama. Then China blocked the web sites of Time Warner's Fortune magazine, as well as CNN, the founder of which is a self-described socialist. I didn't say it; he said it.

Chinese officials denied the conference organizers the right to invite certain Chinese participants to the forum. Instead, the Chinese leaders padded the guest list with managers of—what? Chinese-run firms.

That is the way they do business over there. That is the crowd that everybody in this country seems to be clamoring to bow and scrape to.

I have to say this for the Chinese leaders: at least they stood up at the banquet at the conclusion of the conference and harshly lashed out at the United States for daring to speak about human rights while in Communist China, and for defending democratic Taiwan, of course.

So I wonder if our corporate executives woke up the next morning feeling a little bit underappreciated. But even if they did not, one thing is for certain. This type of attitude and conduct by American businessmen will never, never, never promote democracy in China, let alone participate in causing it to come about. If the presence of

American businesses truly purports to aid in bringing democracy to China, then those businesses, it seems to me, must conduct themselves in a manner reflecting basic American values—such as individual liberty and free expression and free enterprise.

That is what the pending amendment's voluntary—and I repeat voluntary—code of conduct calls for. Of course, I realize that some American firms have already adopted their own ethical rules and codes for international business, but they generally are limited, narrow business practices, don't you see, and certainly have not prevented the sort of kowtowing to China's ruling Communists whom I have just described.

The point is this, and I will conclude. I fail to see any reason on the face of the Earth why the Senate should not take this step at least before concluding that trade will automatically bring democracy to Communist China.

Mr. President, before I yield the floor, let me request, by the same method as previously, that I be granted the yeas and nays on this amendment.

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

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

AMENDMENT NO. 4128

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to return to the Helms amendment No. 4128.

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

Mr. SMITH of New Hampshire. Mr. President, how much time is remaining on the amendment—on Senator HELMS' time?

The PRESIDING OFFICER. The Senator from North Carolina retains 20 minutes.

Mr. SMITH of New Hampshire. Mr. President, I ask the Senator from North Carolina, if he desires to finish the debate on this, please interrupt me and I will be happy to yield to him.

Mr. HELMS. Inasmuch as the Chair has yielded me the right to comment from my seat at my desk, let me say I yield all the time to the Senator that he requires.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SMITH of New Hampshire. Mr. President, let me take the opportunity to say again publicly on this floor to the Senator from North Carolina what an honor it is to serve with him and to know him as a friend. He is one of the finest people I have ever met in my life. I don't say that lightly. There are a lot of people, especially the unborn children of this world, who know who has been carrying the torch here for children who cannot speak for themselves in the womb. They owe you a lot. We owe you a lot. I am proud to be here in the Senate with you.

Mr. HELMS. I thank the Senator.

Mr. SMITH of New Hampshire. Mr. President, I am proud to stand in support of the Helms amendment. On August 24 of this year, publications all around the world ran headlines very similar to this:

Chinese kill baby to enforce birth rule.

The article went on to describe how five Chinese Government officials intruded into the home of a woman who had given birth against the state's oppressive “one child” policy. They waited in her living room until she returned from the hospital. When she arrived, the officials ripped the baby boy from her arms where—to the horror of his mother and onlookers—they walked outside to a rice paddy and drowned the child in front of his parents' eyes.

A wave of anger obviously enveloped this small township in the following hours of the child's murder. However, this is China. Villagers are kept from speaking out against this atrocity, and they find themselves in a terrible state of unified silence as a fear of retribution, harm, or even death for their own families settles upon them.

This is the China to which we are giving permanent trade status with this bill. I find it unbelievable that we cannot get these kinds of human rights atrocities addressed in this permanent normal trade relations bill for China. We are saying this is fine, we will ignore it, not talk about it, as long as we can sell them wheat, corn, whatever, and make money. So we can ignore this.

I am the first to admit we cannot intrude, unfortunately, into the policies of the Government of China, but we can make known these policies to the world and we can say as a nation, supposedly the moral leader of the world, that this is wrong.

I am proud of Senator HELMS for bringing this to the attention of the Senate during this debate, and I cannot understand, for the life of me, why we cannot allow simple sense-of-the-Senate language to this permanent normal trade relations bill in an effort to stop this horrible, barbaric behavior.

The Helms amendment simply expresses the sense of Congress that, one, Congress should urge China to cease its forced abortion and forced sterilization policies, and two, the President should urge China to cease its detention of those who resist abortion and sterilization. It is a good amendment. There is nothing wrong with this amendment. It is fair and it is reasonable.

In addition, I also believe that Chinese women should have the right to choose. It is interesting, those who have been the strongest proponents of abortion in this Chamber—when it comes to a Chinese woman's right to say, “I want to have my child,” the silence is deafening. When a woman says, “I have the right to choose to have an abortion,” they are out here in full force. A little inconsistency?

The point is, a Chinese woman is told, in spite of the fact she wants to

have her child, that she cannot, and not only can she not have it, it is aborted forcefully.

I had constituents, a young couple, a few months ago come to me. They were both Chinese. They had been visiting America. She was about 5 or 6 months pregnant and was told if she went back to China the child was going to be aborted. I turned all hands on deck to get that case resolved so they did not have to go back, and she did not go back. She had that child, now an American citizen, born in freedom, but that child would have been aborted in China against the wishes of the mother. We cannot even get this issue addressed with sense-of-the-Senate language before we pass on the fast track permanent normal trade relations.

There is so much talk about choice, but the choice only runs one way—when one is talking about the woman's "right" to an abortion. When it comes to the right to choose to have her baby, silence.

It is a stated position of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program. In fact, the Chinese Communist Government encourages both forced abortion and forced sterilization. I emphasize "forced." They accomplish this through a combination of strictly enforced birth quotas and immunity for local population control officials who use coercion to force abortion.

Nobody really knows for sure how many women undergo these abortions. We do not exactly have a population count on that score. Most women are afraid to report. The numbers are kept secret.

According to Harry Wu, the director of the Laogai Research Foundation, who once lived in China and now monitors and writes about his native homeland, the city of Janjiang alone experienced 1,141 forced abortions in one 9-month period in 1997. Those were women who wanted to have their children and were forced to have an abortion.

One can imagine the horror of the woman who has to go through that. I say with the greatest respect for those who disagree with the issue, where are you today? If you are for a woman's right to choose to have an abortion, why can you not be for a woman's right not to have one? Why the silence? Where are the votes on this amendment?

I want to spend the next minute or two telling about one brave woman who dared to come out of Red China to talk about this so-called planned birth policy. Her name is Ms. Gao. She testified before the House Subcommittee on International Operations and Human Rights a couple of years ago. According to Ms. Gao, in order to successfully carry out the policy, precise records of the women in her province were compiled, noting their names, births, marriages, pregnancies, reproductive cycles—all sorts of information.

Women who met the planned birth committee's criteria were then issued a "birth allowance," while those women who did not meet the criteria were given "birth not allowed" notices.

This is the country to which we are giving permanent normal trade relations. Senator HELMS is not forcing us to do anything except to put this language in the bill as a sense of the Senate that alerts the world to this practice. That is all he is asking. We are told if we support Senator HELMS, we are going to delay the passage of the bill. So? Permanent is permanent. What are a few more days, hours, minutes? I venture to say, if we sent this back to the House with the Helms language in it, it would take the House about 5 minutes to approve it, and that would be the end of it.

What they are really afraid of is offending the Chinese—that is what this is about—because we do not want to lose the sales of our agricultural products. Sales of agricultural products are more important than the lives of children who are forcibly killed in front of their parents. If a woman is found to be pregnant and does not possess a birth-allowed certificate, she is immediately given an abortion, no matter how far along the pregnancy is. I repeat—no matter how far along the pregnancy is.

Enforcement is a crucial component of China's planned parenthood policies. Mandatory medical inspections for women of childbearing age is required. One can imagine the secrecy, trying to hide the fact you are pregnant if you want to have the child, maybe even keeping it from your own family, certainly friends, relatives, for fear you are going to be turned in to Big Brother, Communist China Government. Those who fail to undertake these medical examinations at the preordained time face jail and monetary fines.

Night raids to apprehend women in violation of state policy are frequent. Where are the proponents of women's rights on this debate? Why are they not standing with Senator HELMS?

If the Chinese Government cannot locate the woman, they will detain her husband or her parent or anyone in her family until she comes forward and surrenders to have that abortion.

This is happening in China. Let's not kid ourselves. Let's not pretend it does not happen. It is happening in China.

I want to read from Ms. Gao's testimony in 1998. It is pretty compelling, and it is not pleasant. She said:

Once I found a woman who was 9 months pregnant but did not have her birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, I saw how the aborted child's lips were sucking, how its limbs were stretching. A physician injected poison into its skull, and the child died and was thrown into a trash can. To help a tyrant do evils was not what I wanted . . . I could not live with this on my conscience. I, too, after all, am a mother.

She goes on to say:

All of those 14 years, I was a monster in the daytime, injuring others—

and killing babies—

by the Chinese communist authorities' barbaric planned-birth policy, but in the evening, I was like all other women and mothers, enjoying my life with my children. I could not live such a dual life anymore. Here, to all those injured women, to all those children who were killed, I want to repent and say sincerely that I'm sorry! I want to be a real human being. It is also my sincere hope that what I describe here today can lead you to give your attention to this issue, so that you can extend your arms to save China's women and children.

Senator HELMS has fulfilled that lady's expectations by bringing this to the attention of the Senate, the American people, and the world, on behalf of China's women and children.

What is a real shame is, what the Senator is asking here will be rejected as we vote no.

Finally, Ms. Mao stated:

My conscience was always gnawing at my heart.

You see, because the official religion of the Chinese Government is atheism, as it is with all Communist regimes, their policies and officials do not have to answer to any higher power except to the state. There is no sense of morality behind their Government's decisionmaking process.

But let me ask a very poignant question. Is there a sense of our morality to ignore it? What does it say about our morality to say we will sell corn and wheat and make a profit and ignore this? Why not say: Stop this and we will sell you the corn and the wheat? Isn't that better? Aren't we supposed to be the moral leader?

When God is absent, human life is invaluable, isn't it? It does not have much meaning because we are children under God. If you do not believe that, then life has no meaning other than how it exists here on this Earth.

That is why you have forced abortions. That is why you have persecution. That is why you have guns pointed at students' heads. That is why you have tanks poised to run over protesters.

That is why you have harvested organs. I talked about that this morning in my amendment, I say to Senator HELMS, which got 29 votes, including the Senator's, for which I am very grateful. They also do that. That is another issue. China harvests organs—not from willing donors—from prisoners who sometimes do nothing more than protest against the state. They are executed by being shot in the head, and then organs are taken and sold for \$30,000 apiece for a kidney, and the money is given to the Chinese military.

We lost on that amendment, I say to Senator HELMS, by a vote of 60-something to 29. What does that say? That we are unwilling to send this back to the House for 5 or 10 minutes in conference and pass it?

That is why I am strongly supporting this amendment by Senator HELMS. I am proud to support this amendment. I am proud to stand here on the floor of the Senate and say that this is wrong.

Sometimes you have to say things whether you win the debate or not. Sometimes it does not matter whether you win the debate or not; it is just having the debate that matters.

His amendment would encourage the Chinese Government to stop this atrocity, to stop this barbaric act, to stop forcing abortion on unborn children and forcing women to have those abortions.

It is not unreasonable to ask my colleagues to support this amendment which is vital to human rights in China. It is vital to the rights of a woman and it is vital to the rights of a child.

Mr. President, I ask unanimous consent to have printed in the RECORD the remarks from Harry Wu on forced abortions in China.

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

FORCED ABORTION AND STERILIZATION IN  
CHINA—THE VIEW FROM INSIDE  
A BURGEONING POPULATION

It has been over twenty years since the People's Republic of China, which has 22% of the world's population, began implementing its population-control policy, or planned birth policy in mainland China. In the years following the 1949 victory of the Communist Party in the PRC, Communist leader Mao Zedong promoted population growth, regarding a large population as an asset for both production and security. In the most recent decades, as the focus of the Chinese government has shifted towards economic development, the Communist government has taken to blaming the cultural traditions of its own people for the population explosion. The need to promote growth and combat the traditions of large families became justifications for one of the most barbaric abuses of government power ever revealed: the infamous "one child" policy.

Since 1979 when the population-control policy was first implemented, it has been a top-down system of control: the central government establishes general policy guidelines, and local governments institute and enforce specific directives and regulations to meet these guidelines. In addition to the original one-child policy itself, the Marriage Law of 1980 requires the practice of family planning. The law encourages the policy of late marriage and late birth, and sets the minimum marriage age at 22 years of age for men and 20 years of age for women. Provincial regulations enacted in the eighties established artificial quotas, which planned birth cadres were to enforce strictly. Leaders in Jiangxi, Yunnan, Fujian, and Shaanxi provinces, for example, received orders to strictly limit the number of births in excess of their authorized targets by forcing women to have abortions, euphemistically referred to as "taking remedial measures."

In May of 1991, the Chinese Communist Party Central Committee enacted the "Decision to Intensify Planned-Birth Work and Strictly Control Population Growth." This policy paper contains provisions suggesting the use of IUD's, sterilization, and pregnancy termination in some circumstances. In all, the policy aims to create a greater uniformity between central and provincial family planning and laws. While there have been alternate tightenings and relaxations of the policy, evidence brought to light at the June 10, 1998 hearing before the House Subcommittee and International Operations and Human Rights revealed that the coercive

practices first implemented in the eighties persist to this day. Never before has this system been exposed to the world in its entirety. In fact, up until this point, the Chinese government has been internationally applauded for its effective population control efforts. The Chinese government has always insisted that it uses only voluntary methods for controlling the amount of children born into Chinese families. Unfortunately, the evidence repeatedly contradicts this empty assertion.

CHINA'S POPULATION POLICY EXPOSED

Gao Xiao Duan, a former cadre in a planned-birth office in Yonghe Town in Fujian Province, testified before the House of Representatives Subcommittee on International Operations and Human Rights on June 10, 1998, and exposed the system of oppression before a packed hearing room. Gao, still Chinese citizen, was employed as an administrator at the Yonghe town planned-birth, where her job was to "work out and implement concrete measures pursuant to the documents of the Central Committee of the Chinese Communist Party, and the State Council on planned-birth." In other words, she was to carry out the dictates of the communist regime in accordance with the "One child" policy. Her day-to-day duties were as follows:

To establish a computer data bank of all women of child-bearing age in the town (10,000+ women), including their dates of birth, marriages, children, contraceptive ring insertions, pregnancies, abortions, child-bearing capabilities, menstruation schedule, etc.

To issue "birth allowance" certificates to women who met the policy and regulations of the central and provincial planned-birth committees, and are therefore allowed to give birth to children. Without this certificate, women are not allowed to give birth to children. Should a woman be found to be pregnant without a certificate, abortion surgery is performed immediately, regardless of how many months she is pregnant.

To issue "birth-not-allowed notices." Such notices are sent to couples when the data concludes that they do not meet the requirements of the policy, and are therefore not allowed to give birth. Such notices are made public, and the purpose of this is to make it known to everyone that the couple is in violation of the policy, therefore facilitating supervision of the couple.

To issue "birth control measures implementation notices." According to their specific data, every woman of child-bearing age is notified that she has to have contraceptive device reliability and pregnancy examinations when necessary. Should she fail to present herself in a timely manner for these examinations, she will not only be forced to pay a monetary penalty, but the supervision team will apprehend her and force her to have such examinations.

To impose monetary penalties on those who violate the provincial regulations. Should they refuse to pay these penalties, the supervision team members will apprehend and detain them as long as they do not pay.

To supervise "go-to-the-countryside cadres." The municipal planned-birth committee often sends cadres from other areas to villages, for fear that local cadres could cooperate with villagers, or that a local backlash would develop against the cadres who conscientiously carry out their duties.

To write monthly "synopses of planned-birth reports," which are signed by the town head and the town communist party, and then are submitted to the municipal people's government and the communist party committee. They wait for cadres for superior

government organs to check their work at any time.

To analyze informant materials submitted in accordance with the "informing system," and then put these cases on file for investigation. Some materials are not conclusive, but planned-birth cadres are responsible for their villages, and to avoid being punished by their superiors and to receive the bonuses promised for meeting planned-birth goals. The cadres are under tremendous pressure from the central and provisional regulations to carry out the policy. Even if the cadres brutally infringe on human rights, there has never been evidence of cadres being punished for their actions.

Whenever the planned-birth office calls for organizing "planned-birth supervision teams," the town head and communist party committee secretary will immediately order all organizations—public security, court, finance, economy—to select cadres and organize them into teams. They are then sent to villages, either for routine door-to-door checking or for punishing of local violators. Supervision teams are makeshift, and to avoid leaks, cadres do not know the village to which they will be sent until the last minute. Planned-birth supervision teams usually exercise night raids, encircling suspected households with lighting speed. Should they fail to apprehend a woman violator, they may take her husband, brother(s), or parent(s) in lieu of the woman herself, and detain them in the planned-birth office's detention room until the woman surrenders. They then would perform a sterilization or abortion surgery on the woman violator.

Gao also outlined several policies that are carried out in the wake of "planned-birth supervision".

House dismantling. No document explicitly allows dismantling of a violator's house. To the best of her knowledge, however, this practice not only exists in Fujian Province, but in rural areas of other provinces as well.

Apprehending and detaining violators. Most planned-birth offices in Fujian Province's rural areas have their own detention facilities. In her town, the facility is right next door to her office. It has one room for males and one room for females, each with a capacity of about 25-30 people. To arrest and detain violators, the planned-birth office does not need any consent by judicial or public security institutions, because their actions are independent of those organizations.

Detainees pay ¥8.00 per day for food. They are not allowed to make phone calls, or to mail letters. The majority of detainees are, of course, either women who are pregnant without "birth allowance certificates," women who are to be sterilized, or women who have been slapped with monetary penalties. As stated previously, if they do not apprehend the women themselves, they detain their family members until the women agree to the sterilization and abortion surgeries.

Sterilization. The proportion of women sterilized after giving birth is extraordinarily high. Sterilization can be replaced with a "joint pledge," with 5 guarantors jointly pledging that the woman in case shall not be pregnant again. Much of the time, however, this kind of arrangement is impossible, because five people are unlikely to be willing to take on the liability of having to guarantee that a woman will not become pregnant. It is important to remember that if she does, by some chance, become pregnant, they are responsible for her actions, too.

Abortion. According to government regulations, abortion for a pregnancy under 3 months is deemed "artificial abortion," and if the pregnancy exceeds three months, it is

called "induced delivery." In her town, an average of 10-15 abortion surgeries are performed monthly, and of those surgeries, one third are for pregnancies exceeding 3 months.

Every month her town prepares a report, the "synopsis of planned-birth report." It enumerates in great detail the amount of births, issuing of birth-allowed certificates, and implementation of birth-control measures in Yonghe Town; Following its completion, it is submitted to the planned-birth committee. For instance, in January-September 1996, of all the women of child bearing age with 1 child, 1,633 underwent device-insertion surgeries, or underwent subcutaneous-device-insertion surgeries, and 207 underwent sterilization surgeries; of women of child-bearing age with 2 children, 3,889 underwent sterilization surgeries, 167 underwent device-insertion surgeries, and 10 took birth-control medications (among the group with 2 children, of the 186 women who had 2 daughters, 170 were sterilized). In January-September 1996, a total of 757 surgeries in five categories were performed. They included: 256 sterilization surgeries (35 for two daughters), 386 device-insertion surgeries (23 cervical ring insertions), 3 subcutaneous-device-insertions, 41 artificial abortion surgeries, and 71 induced delivery surgeries. In the first half of the year of 1997, a total of 389 surgeries in 5 categories were performed. They included: 101 sterilization surgeries (12 for two daughters), 27 induced delivery surgeries, 228 device-insertion surgeries, and 33 artificial abortion surgeries. Gao's office had to submit all of this data to the municipal planned-birth committee monthly and annually so that it could be kept on file.

#### PERSONAL TALES OF SORROW

Gao and her husband were married in 1983, and gave birth to their daughter one year later. Despite their desire to have more children, they were not allowed to give birth to a second child due to the planned-birth policy. In late 1993, Gao and her husband adopted a boy from Harbin, a province in north-east China. They had no choice but to keep him in someone else's home. For fear of being informed against by others in the town, the child never referred to Gao as "mama" in the presence of outsiders. Whenever government agencies conducted door-to-door checks, her son had to hide elsewhere.

Her elder sister and her elder brother's wife have only two daughters each. Both of them were sterilized, their health ruined, making it impossible for them to ever live or work normally.

During her 14-year tenure in the planned-birth office, she witnessed how many men and women were persecuted by the Chinese communist government for violating its "planned-birth policy." Many women were crippled for life, and many were victims of mental disorders as a result of their unwanted abortions. Families were ruined or destroyed. Gao, with tears streaming down her face, told during her testimony of how her conscience was always gnawing at her heart.

She vividly recalled how she once led her subordinates to Yinglin Town Hospital to check on births. She found that two women in Zhoukeng Town had extra-plan births. In a move approved by the head of the town, she led a planned-birth supervision team composed of a dozen cadres and public security agents. Sledge hammers and heavy crowbars in hand, they went to Zhoukeng Town, and dismantled the women's houses. Unable to apprehend the women in the case, they took their mothers and detained them in the planned-birth office's detention facility. It was not until a month and a half later that the women surrendered themselves to

the planned-birth office, where they were quickly sterilized and monetary penalties were imposed. Gao spoke at length about how she thought she was conscientiously implementing the policy of the "dear Party," and that she was just being an exemplary cadre.

Once Gao found a woman who was nine months pregnant, but did not have a birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, she saw the aborted child's lips sucking, its limbs stretching. A physician injected poison into its skull, the child died, and it was thrown into the trash can. "To help a tyrant do evils" was not what she wanted.

Also testifying at the hearing was Zhou Shiu Yon, a victim of the Chinese planned-birth policy. Zhou, who had known her boyfriend since childhood, became pregnant at age nineteen. She did not have a birth allowance certificate, so her pregnancy was considered illegal. When she became ill and was hospitalized, it was discovered that she was pregnant, she had her boyfriend pay the nurse to leave the window open; she jumped out, and her boyfriend was waiting with a car to flee to Guangzhou where they boarded a boat to the United States. On the boat, Zhou became extraordinarily seasick, and had complications with her pregnancy. Once in the United States, she lost her baby while being treated in a San Diego hospital. Now, she is unsure of whether or not she will ever be able to have children again. Stories like hers are all too common in China today. Congressman Christopher Smith of New Jersey, chair of the subcommittee, said that the Chinese policy is "so vile that [it] will cause people to recoil in horror across the centuries."

#### THE POPULATION POLICY ANALYZED

I testified at the hearing to show how the Chinese policy is truly a top-down system. For many years I have collected many stories about the tragic experiences of people who are affected by the planned-birth policy. Their personal experiences may be more emotionally shocking, but I want to explain China's internal documents that I have collected over the years. The basic arguments for China's population policy are:

China's living and land resources are limited, which tremendously impedes its development, added to which is population growth. To become a prosperous nation, China must control its population growth.

Limited economic resources and overpopulation cause disruption of education, the environment, health services, and negatively affect quality of life issues in China.

In short, the Chinese government wishes people, especially Chinese citizens, to believe that overpopulation makes China a backward nation, and that controlling it will allow them to develop as a nation. Such a point of view is preposterous, and is countered by the following two observations:

Certain nations such as Japan have even more limited per capita living resources than China, but are nevertheless extraordinarily prosperous.

Is it not the lack of a rational social and economic system that retarded China's development in the years following the rise of the Communist Party? For several years after the 1949 Communist victory, China's economy did in fact make great strides—without a population control policy. Economic backwardness resumed because of failed communist economic experiments. After economic reforms that started in the late 70's under Deng, the economy has again improved. The economic advances that China has made in the last two decades should be attributed to economic reforms

rather than to the strict population policy. This is not to say that population control had nothing to do with the economic growth China has experienced, but it is a well-known observation that as economies prosper, fertility rates decrease. This explains why fertility rates have declined more naturally in the urban areas of China; the relatively economically progressive cities do not have to be as coercive with the policy, because the couples who live there today do not wish to have as many children as their rural counterparts.

It is the communist political and economic system that makes it difficult to develop China's economy, and is the fundamental reason for the contradiction between an exploding population and a retarded economy. Therefore, the fundamental way to solve China's population problem is to change its irrational political and economic system. Planned-birth targets every family, every woman.

If you are interested in obtaining full copies of the testimonies, along with pictures and videotapes, please write, call, fax, or email the Laogai Research Foundation in Washington, DC. Our contact information is listed below. Help us stamp out this egregious abuse of government power. Millions of women and children need your support. If China requires a population policy, it must be based on volunteerism and education, not coercion and intimidation. To give birth and plan one's family is a fundamental human right, and should be deprived from no one.

Sincerely,

HARRY WU,  
*Executive Director,*  
*Laogai Research Foundation.*

Mr. SMITH of New Hampshire. Mr. President, in the remaining couple of moments, I will just conclude by saying, I have been out here a number of times following, frankly, in the huge footsteps of Senator HELMS, in a very small way, to talk about protecting the lives of unborn children.

But this goes far beyond that. This debate now has taken a new level. It is now forcing abortions on women against their wishes. I hope that someday Senator HELMS and I, and others, will have the opportunity to stand here in the well and see this practice of abortion ended in this country. Because who knows what is next? If we do not respect the lives of our children, then what do we respect?

Children are a lot smarter than we give them credit for. I have raised three. A lot of you out there listening to me now have raised more than that. They are smart. They know when you say: Johnny, go off to school, be a good boy today, mind your teacher—meanwhile we will abort your sister.

Forty million children have died in this country alone from abortion. Those 40 million children will never get to be a Senator, a spectator in the gallery, a mother, a pastor, a CEO. They are never going to have the chance to be a page. They never had a chance, 40 million of them. We did.

So maybe we should not be too surprised that the Senate is willing to look the other way while they do it in China. We should not be real surprised. But someday I pray that I will be able to stand here and say thank you to at least 67 of my colleagues who put a

stop to it. Maybe that day will happen some time in my lifetime. I sure look forward to it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. 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. ROTH. 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. 4123

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment.

The amendment is designed to force the Secretary of Commerce to impose so-called "voluntary codes of conduct" on American businesses operating in China. The fact is, if the proposed codes were truly voluntary, there would be no need to compel the Secretary of Commerce to pressure U.S. businesses into adopting such codes.

More importantly, American businesses already do operate under codes of conduct. The most important code of conduct is, of course, U.S. law.

Another code of conduct American companies are bound to follow is local law, which American companies are bound to operate under when selling abroad.

In addition, U.S. companies also follow their own internal codes of conduct. There has been a revolution in corporate thinking over the last decade about compliance issues and corporate business practices. American business has applied the philosophy of "best practices" that began in the manufacturing sector, but now has also been used as a risk management tool.

In other words, adopting an internal—and truly voluntary—internal code of conduct has become a way of minimizing the risk, both legal and financial, that flows from some part of a company operating in a manner that is at odds with the law or corporate ethical standards.

Bluntly, there is a reason that corporations do this and it is not altruism. The greatest force ensuring the adoption of these internal codes of conduct is the capital markets. Poor corporate behavior, even if it does not violate the law, has an immediate impact on share prices in today's capital markets.

As a consequence, American businesses take their environmental and employment standards with them when they operate overseas.

I have with me a copy of a report prepared by the Business Roundtable that details precisely what American companies are doing in China in the way of "best practices" in terms of the environment and employment and other social concerns.

The way those companies operate is one of the primary reasons that so

many Chinese workers are leaving state-owned enterprises to look for work with American companies in China whenever they can find the opportunity. Their wages, benefits and working conditions are almost invariably higher than any other workplace they can find.

My point is that there is no need to force American companies to adopt so-called voluntary codes of conduct with respect to their operations in China. They are already providing opportunities in China that confirm that there is a race to the top, not a race to the bottom, when American firms operate overseas.

Given the potential beneficial impact that our firms can have in direct contacts with employees, other businesses in China and directly with consumers under the WTO agreement, I would think we would want to do everything we could to ensure that American exporters were free to operate in China, rather than compelling the Secretary of Commerce to dictate to American companies on exactly how they should conduct their operations in China.

The reason I say that and the reason I oppose this amendment and support PNTR is that each American company hiring a Chinese employee is sowing the seeds of political pluralism at the same time. That is precisely how we can best foster both economic and peaceful political reform in China.

For that reason, I urge my colleagues to oppose the amendment.

I ask unanimous consent to print in the RECORD the Executive Summary contained in the Business Roundtable report to which I referred.

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

EXECUTIVE SUMMARY

U.S. companies with operations in China are contributing to the improvement of social, labor, and environmental conditions in China. By exporting to China not only their products and services, but also their operating standards, best business practices, values, and principles, U.S. companies serve as agents of change. When U.S. companies set up operations in China, they bring with them U.S. ethical and managerial practices. These practices shape the way they run their factories, relate to their employees, and contribute to local community activities. Through these practices, U.S. companies set a positive example of corporate citizenship and contribute to the evolution of norms within Chinese society. Indeed, many of these practices are increasingly being adopted by domestic enterprises in China.

U.S. companies with international operations often establish global business practices that are implemented in a similar and appropriate way across all the countries in which they operate. In pursuing such policies in China and elsewhere, U.S. companies advance the cause of important social, labor, environmental, and economic objectives, including improved health, safety, and environmental practices; consistent enforcement of high ethical standards; increased compensation, training, and educational opportunities for workers; accelerated market reforms; transparent government regulation; and the rule of law.

To highlight the positive impact of U.S. companies, we have compiled a sample of the best practices currently in use by U.S. companies in China. Together, these practices tell a remarkable story about the role of companies in China beyond providing goods and services.

These practices span eight principal areas: Ethical and responsible business behavior; Corporate codes of conduct; New ideas and information technology; Western business practices; Environmental, energy efficiency, health, and safety standards; Compensation, benefits, and training; Volunteerism, charitable giving, and community activism; and Rule of law.

I. U.S. COMPANIES PROMOTE ETHICAL AND RESPONSIBLE BUSINESS BEHAVIOR WITHIN THEIR FACILITIES AND WITH THEIR CUSTOMERS AND SUPPLIERS

U.S. companies strive to integrate their Chinese operations seamlessly into their world-wide operations. They conduct substantial ethical training for their employees in China, as they do for their employees worldwide. This training is more than simply a set of rules to follow. The training concentrates on fundamental concepts such as integrity, mutual respect, open communication, and teamwork. And it is collaborative: company officers go on-site to Chinese locations to offer guidance on compliance, to listen to employees' concerns, and to observe the practices in use. In addition, to facilitate candid communication, the companies also have procedures for employees to communicate with management confidentially.

II. U.S. COMPANIES UPHOLD COMPREHENSIVE CORPORATE CODES OF BUSINESS CONDUCT AND ETHICS

These corporate codes cover an array of topics, from managing supplier relationships, to protecting the environment, abiding by antibribery laws, supporting equal employment opportunity, and offering job advancement based on merit. The codes are translated into local languages, and as with ethics training, companies back up these codes with programs to ensure compliance. For example, companies conduct ethical renewal workshops to keep concepts fresh in employees' minds, keep employees current with revisions to the code, and underscore the importance of compliance.

III. U.S. COMPANIES CONTRIBUTE TO A MORE OPEN CHINESE SOCIETY THROUGH THE INTRODUCTION AND DISSEMINATION OF IDEAS AND INFORMATION TECHNOLOGIES

By giving Chinese employees and consumers access to information technology, U.S. companies are giving individual Chinese citizens the opportunity to communicate with people inside and outside China, in the United States and in the rest of the world. U.S. companies are exposing Chinese citizens to new information, ideas, values, and behavior. They do so by giving their employees in China access to the Internet, Chinese-language web pages, and worldwide e-mail, which allow them to exchange information with people around the world instantaneously. U.S. companies provide access to international business, political, and financial news. They also sponsor employee newsletters to exchange information among sites across China. In addition, U.S. companies expose Chinese government officials to new ideas, such as through informal roundtable discussions with officials in Chinese ministries to exchange ideas and experiences.

IV. U.S. COMPANIES ACCELERATE EXPOSURE TO, AND ADOPTION OF, WESTERN BEST BUSINESS PRACTICES

U.S. companies accelerate adoption of Western business practices in two ways: by—



bringing Chinese professionals to the United States to see the practices in action, and by bringing the practices to China to show them in action there. Accordingly, U.S. companies support substantial foreign travel by their Chinese employees, as well as Chinese officials, to give them direct exposure to market economy forces and Western social and political structures. U.S. companies with operations in China send literally thousands of their employees, Chinese officials, and students to the United States every year. And these visitors spend a substantial stay in the United States, from several weeks to as much as six months. They come to the United States to see U.S. practices first-hand—touring factories and offices across the United States. They also visit Washington, D.C. to observe our democratic political process and meet with Members of Congress and other government officials. For many of the Chinese visitors, this trip is not only their first trip to the United States, it is also their first opportunity to travel outside China.

In addition, U.S. companies teach global workforce, management, and manufacturing principles to all of their employees in China. This training is a comprehensive, "hands-on" experience which covers principles and practices such as participative management, empowered workforce, employee teaming, total quality management, and just-in-time systems. Chinese managers also receive training in fundamental market economics, and cutting-edge management practices; some even receive Western MBAs through these programs. And to further exposure to Western business practices, U.S. companies in China organize symposia on economics, finance, management and other business topics. These symposia bring Chinese professionals in contact with Americans and other foreigners from a wide array of corporations, academia, government, and other institutions to exchange ideas and experiences.

V. U.S. COMPANIES PROVIDE FOR AND PROMOTE HIGHER ENVIRONMENTAL, ENERGY EFFICIENCY, HEALTH, AND SAFETY STANDARDS WITHIN THEIR FACILITIES AND IN THE COMMUNITIES IN WHICH THEY OPERATE IN CHINA

U.S. companies apply, and achieve, higher environmental, energy efficiency, health, and safety standards than Chinese-owned factories achieve—higher even than Chinese law requires. U.S. multinational companies set worldwide operating principles for their international facilities, including China, and these principles are based on U.S. standards. By setting an example of exceeding the Chinese standards, U.S. companies put pressure on domestic Chinese enterprises to comply with these higher, international standards. And U.S. companies not only bring higher standards, they bring the technology to meet these higher standards, by providing advanced environmental protection and energy efficiency technology and by sponsoring environmental protection symposia in China to exchange information about these standards and how to meet them. Finally, by creating jobs and raising living standards in China, U.S. companies are creating the wealth necessary to help China pay for higher environmental, worker safety, and energy efficiency standards.

VI. U.S. COMPANIES PROVIDE DESIRABLE EMPLOYMENT ALTERNATIVES TO CHINESE WORKERS, INCLUDING ENHANCED COMPENSATION, BENEFITS, AND TRAINING OPPORTUNITIES FOR ADVANCEMENT ON THE BASIS OF MERIT

U.S. companies are raising the bar for employment opportunities. They provide enhanced compensation and benefits, sponsor on-going training opportunities, and offer advancement on the basis of merit. U.S. companies pay their Chinese employees sub-

stantially higher wages than Chinese-owned firms do. In addition, U.S. companies offer forward-looking benefits programs, such as subsidies to encourage home ownership, and on-site day care. Companies also offer performance-linked rewards systems and incentives for good safety practices. Together, these benefits lead to low employment turnover rates.

U.S. companies also offer comprehensive technical training. They have technical training centers located throughout China, some so comprehensive that the companies call them their corporate "universities." Many companies establish minimum training hours for each worker per year, which they offer substantially exceed. In addition, companies offer scholarships to students at China's leading universities to ensure that the next generation of Chinese workers has the technical skills necessary to succeed in a more competitive workplace.

VII. U.S. COMPANIES EXPORT U.S. CONCEPTS OF VOLUNTEERISM CHARITABLE GIVING, AND COMMUNITY ACTIVISM

U.S. companies in China are setting an example of volunteerism and community activism. They have donated millions of dollars to support a variety of charitable causes in China including scholarships for students to attend university, donations to flood victims, medical care for children, and support for primary education in rural districts. These funds empower local communities, and individuals, to work toward improving their own circumstances. Company volunteers add a human link, through tutoring and mentoring programs.

VIII. U.S. COMPANIES SUPPORT ADVANCEMENT OF THE RULE OF LAW IN CHINA AND EFFECTIVE ENFORCEMENT MEASURES

U.S. companies have taken an active role in encouraging and developing the rule of law in China. They have been working with Chinese officials to develop new laws governing property rights, taxation, corporations, and other commercial areas. Industry-by-industry, they provide expertise and set an example of how to operate successfully while respecting the rule of law.

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While this summary gives some flavor of the practices in place by U.S. companies, the real story is in the details. We encourage you to take a look at the full paper, which provides a unique opportunity to see the steps being taken by individual companies.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I have what I think is pretty good news for my colleagues in the Senate and for the administration which I would like to share and which relates directly to the legislation pending before us.

I believe that by this time next week, the Senate—

The PRESIDING OFFICER. The Chair inquires about whose time the Senator is using.

Mr. KYL. I presumed I would be using time on the majority. I inquire of the Chair, am I correct that Senator FEINGOLD was to speak at 4 o'clock and

prior to that time there would be time I could use on this side?

The PRESIDING OFFICER. We don't have an order for Senator FEINGOLD. We simply want to know whose time the Senator is using.

Mr. KYL. If I may take the majority time, I don't need unanimous consent.

The PRESIDING OFFICER. The Senator may do so.

Mr. KYL. Thank you, Mr. President.

Mr. President, the point is that we are going to be considering PNTR for China, which will enable China to join the World Trade Organization within the week, and presumably that will be done in accordance with the bill passed by the House of Representatives.

It is important that we ensure the other party to this equation is taken care of because there don't appear to be any more roadblocks to the Senate's consideration of PNTR and China's entry into the body from a legislative perspective. But there could have been.

It is also important that Taiwan enter into the WTO. I believe virtually every Senator and every Member of the other body is committed to that. I know the administration is committed to that. But there could have been a roadblock to China's PNTR and WTO accession had we not clarified something with respect to Taiwan.

It has been agreed since 1993 that Taiwan would enter the WTO. It has been virtually ready to do so. But out of deference to China and to ensure China could enter first and then Taiwan second, Taiwan's entry has been delayed. But we believe neither China nor anyone else in the world would object to Taiwan's entry into the WTO, and indeed the working group that deals with the specifics of Taiwan's entry I think is in very good shape.

There has been a commitment by the administration to ensure that when the Senate and the House have approved PNTR for China, the United States can therefore move forward with China's accession and that we do so with respect to Taiwan as well. Unfortunately, however, since the House acted, there has been an unfortunate string of comments made by high Chinese officials that have cast some doubt on whether or not China would make good on its commitment to support Taiwan's accession into the WTO.

While the leaders of China had said they would support Taiwan's entry, they said it must be under terms provided by China. Specifically, that meant it had to be Taiwan entering the WTO as a province of China. That, of course, is contrary to the agreement that heretofore had been worked out, contrary to all the wishes of the members of the working study group and the United States, and of course Taiwan.

The administration has taken a firm position that they will not support that kind of language; that Taiwan must come in as a separate customs territory or separate trading territory and not as a province of China.

This has been enough of a matter of concern—these statements made by Chinese leaders—that we sought assurances from the administration and had meetings with administration officials to clarify. Specifically, a group of Senators met with Charlene Barshefsky to inquire about the status of the matter, particularly since Jiang Zemin is quoted as having made statements in New York a few days ago that China would only agree to Taiwan's entry under this term expressing Taiwan as a province of China.

I will have printed in the RECORD some items. One is a Wall Street Journal lead editorial from yesterday in which the Wall Street Journal notes:

Addressing a business group during his visit to New York for the United Nations summit, Mr. Jiang said of course Taiwan could join the WTO, but only as part of China.

The editorial goes on to note that is unacceptable to the United States, and that the Senate needed to act with respect thereto.

Ms. Barshefsky confirmed that President Clinton told Jiang that Taiwan would have to come in under the terms originally negotiated, not as a province of China. Jiang responded with the Chinese position, and the President then responded with the U.S. position again. The controversy, in other words, was not put to bed.

Earlier, the Chinese Foreign Ministry spokesman Yuxi is reported to have said: The Chinese side has a consistent and clear position. Taiwan can join WTO as a separate customs territory of China.

These comments, of course, are of concern to us. The House has already acted to approve PNTR, but you now have high Chinese officials saying Taiwan's accession must be as a province to China, contrary to the position of the working group, of the United States, of Taiwan. As a result, we thought something had to be done to clarify this.

Some time ago, a group of 40 Senators had written to the President and asked for his assurances that he would support Taiwan's entry into the WTO simultaneous with that of mainland China. In a letter to me and to other Senators, dated August 31, the President said:

China has made clear. . . that it will not oppose Taiwan's accession to the World Trade Organization.

Nevertheless, China did submit proposed language to their working party stating Taiwan is a separate customs territory of China. We have advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it. We believe that this position is widely shared by other WTO members.

When we met with Ms. Barshefsky yesterday, we noted other statements have been made and clearly some action needed to be taken by the United States to make it crystal clear that we would not approve PNTR with this issue outstanding. I prepared an amendment and filed it with the clerk.

I have not offered it yet, but that amendment would have made it very clear our approval of PNTR was subject to Taiwan acceding to WTO membership under the original terms negotiated—not as a separate province of China. The administration strongly opposes any amendments being attached to PNTR because of its concern that the House of Representatives would not, a second time, pass the legislation, and, as a result, inquired whether other kinds of assurances would suffice in lieu of action by the Senate on this matter.

We indicated our purpose was not to try to derail the PNTR but rather to have an assurance that the administration would insist upon the entry of Taiwan under the original terms and that it would not allow entry by China and not entry by Taiwan in the appropriate way.

A day later, yesterday, the President sent a letter to the majority leader, with copies to those who had been in the meeting, dated September 12, in which the President advises the leader on two matters pending. One was the Thompson amendment dealt with earlier today, but the other was the matter that we discussed, and as I understand it, this was explicitly inserted in the letter to provide the assurance that we had requested the day before.

Let me quote from the President, indicate what I think this means, why it is important, and why as a result it will not be necessary to proceed with the amendment which I filed earlier.

The President says:

There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as "Chinese Taipei"). The United States will not accept any other outcome.

That is important because the President of the United States has defined exactly the appropriate language for Taiwan's accession to WTO as a separate customs territory of Taiwan, not as the Chinese had been insisting, as a province of China. And the President notes, and I again quote the last sentence: "The United States will not accept any other outcome."

I can't think of a clearer statement by the President of the United States that we will insist upon Taiwan's accession under appropriate terms—those specifically identified here—and, at the same time, that China is admitted to the WTO. In my view, this provides the necessary assurance that the President, those working on his behalf, will see to it that this is done in a proper way. As a result, it seems to me unnecessary to pursue the amendment which I had earlier filed.

As a result, I spoke with Senator MURKOWSKI, Senator HELMS, Senator SESSIONS, Senator ROTH, and others who I thought were interested in the issue. They have all concurred that this language is sufficient, and as a result I will not be offering the amendment.

I applaud the President's action in this regard. I appreciate the action of Ms. Barshefsky and her counsel, and certainly reiterate my intention of working with the administration on this important matter. Of course, Taiwan represents an extraordinarily important trading partner for the United States and a very good ally, an ally of which we need to continue to be supportive.

I will identify specifically the documents I will have printed in the RECORD at this time. First, a letter to me from the President of the United States dated August 31; second, a letter to the majority leader from the President of the United States dated September 12; third, a Wall Street Journal editorial dated September 12; fourth, a letter a group of Senators had sent to the President initially dated July 27, 2000; and finally, a copy of an AP story I quoted from earlier, the headline of which is "China Asserts Claim Over Taiwan," dated September 7, 2000. I ask unanimous consent to have these documents printed in the RECORD.

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

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

THE WHITE HOUSE,

Washington, August 31, 2000.

Hon. JON KYL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR KYL: Thank you for your letter regarding Taiwan's accession to the World Trade Organization (WTO). My administration remains firmly committed to the goal of WTO General Council approval of the accession packages for China and Taiwan at the same session. This goal is widely shared by other key WTO members.

China has made clear on many occasions, and at high levels, that it will not oppose Taiwan's accession to the WTO. Nevertheless, China did submit proposed language to their working party stating that Taiwan is a separate customs territory of China. We have advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it. We believe that this position is widely shared by other WTO members.

Again, thank you for writing concerning this important matter.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,

Washington, September 12, 2000.

Hon. TRENT LOTT,  
Majority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER: I want to commend you for commencing debate on H.R. 4444, which would extend Permanent Normal Trade Relations to the People's Republic of China. This crucial legislation will help ensure our economic prosperity, reinforce our work on human rights, and enhance our national security.

Normalizing our trade relationship with China will allow American workers, farmers, and businesspeople to benefit from increased access to the Chinese market. It will also give us added tools to promote increased openness and change in Chinese society, and increase our ability to work with China across the road range of our mutual interests.

I want to address two specific areas that I understand may be the subject of debate in the Senate. One is Taiwan's accession to the World Trade Organization (WTO). There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as "Chinese Taipei"). The United States will not accept any other outcome.

The other area is nonproliferation, specifically the proposals embodied in an amendment offered by Senator Fred Thompson. Preventing the proliferation of weapons of mass destruction and the means to deliver them is a key goal of my Administration. However, I believe this amendment is unfair and unnecessary, and would hurt our nonproliferation efforts.

Nonproliferation has been a priority in our dealing with China. We have pressed China successfully to join the Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention, and the Comprehensive Test Ban Treaty, and to cease cooperation with Iran's nuclear program. Today, we are seeking further restraints, but these efforts would be subverted—and existing progress could be reversed—by this mandatory sanctions bill which would single out companies based on an unreasonably low standard of suspicion, instead of proof. It would apply a different standard for some countries than others, undermining our global leadership on nonproliferation. Automatic sanctions, such as cutting off dual-use exports to China, would hurt American workers and companies. Other sanctions, such as restricting access to U.S. capital markets, could harm our economy by undermining confidence in our markets. I believe this legislation would do more harm than good.

The American people are counting on the Congress to pass H.R. 4444. I urge you and your colleagues to complete action on the bill as soon as possible.

Sincerely,

BILL CLINTON.

[From the Wall Street Journal, September 12, 2000]

#### JIANG MUDDIES THE WATERS

Chinese President Jiang Zemin is nothing if not a gambler. Just days before this week's crucial U.S. Senate vote on granting China permanent normal trade relations (PNTR) with the U.S. Mr. Jiang raised an issue that will have many Senators seeing red. He said, in effect, that Taiwan should not be admitted to the World Trade Organization on any conditions other than those set by Beijing.

Addressing a business group during his visit to New York for the United Nations summit, Mr. Jiang said that of course Taiwan could join the WTO, but only as a part of China. Now, this statement is subject to various interpretations, and some might say

it is only semantics. But many Senators will want to know whether they are being asked to approve PNTR under conditions laid down solely by China, with little regard for U.S. interests.

We have argued here that granting China PNTR as a prelude to China's admission to the WTO is a good idea. It would open China further to Western trade and investment, hastening the development in China of free enterprise and a propertied middle class. A more enlightened and influential electorate will gradually demand more explicit civil rights and require governments at all levels to become more responsive to the wishes of the people.

But we also have supported the right of the Taiwanese, who already have a functioning democracy, to chart their own course toward better relations with the mainland, without undue pressure from Beijing. This attitude toward Taiwan is shared by an influential bloc in Congress that won't appreciate Mr. Jiang laying down conditions for Taiwan's WTO membership. It is well known in Congress that Taiwan qualified, in a technical sense, for membership a long time ago. It was thought that Taiwanese membership was an implicit part of the deal that grants China PNTR.

If there has been a dangerous misunderstanding here, it is largely Bill Clinton's fault. On his visit to China in 1998 he imprudently agreed to what the Chinese government called the "Three No's." At the root of these three demands was the requirement that the U.S. not grant Taiwan admission to any world body that required statehood as a condition of membership. While that didn't specifically apply to the WTO, Mr. Clinton's agreement was tantamount to allowing China to set the conditions for future Western policy toward Taiwan. It came close to an acknowledgement that Taiwan is a Chinese province.

So now Mr. Jiang feels emboldened to come to the U.S. and give speeches implying that Taiwan must accept China as its parent if it wants to get the same trading privileges that the Senate is about to grant to China. No doubt Mr. Jiang was inspired by other recent U.S. concessions.

For example, because of Chinese objections, the Dalai Lama was not allowed to participate in the religious gathering that preceded the summit. China's harsh control of Tibet, like its hoped-for acquisition of Taiwan, is seen by Beijing as nobody else's business, and one might easily get the impression that the Clinton Administration agrees.

Given all the kow-towing that Bill Clinton has done, not to mention the China angle in the Clinton-Gore campaign fund-raising scandals, it was no surprise that the Chinese president treated him with some disdain when the two sat down for a chat last Friday. Mr. Clinton, in yet another concession to China, had just announced that his Administration would make no further efforts to build a national missile defense. When Mr. Clinton raised the issue of missiles as a threat to Western security, Mr. Jiang responded with silence. And when Taiwan came up, he favored Mr. Clinton with a long monologue laying out China's historical claims to Taiwan. In short, Mr. Clinton got a cold shoulder on both of these important issues.

These are the fruits of a Clinton policy that has, in effect, left Taiwan blowing in the wind. Try as he may now, Mr. Clinton is hard pressed to put a positive spin on his China legacy. The nuclear proliferation issues that have bedeviled Sino-U.S. relations since he took office in 1993 remain essentially unresolved. And by violating the security assurances of his Republican Party

predecessors, he has left his successor a tin-dbox situation in the Taiwan Strait.

That is why Mr. Clinton knows China's accession to the WTO is about much more than the mutual benefits of expanded global trade. He's gambling it will head off—Communist Party or no—the kind of militant Chinese nationalism that could spark a shooting war across the Taiwan Strait, force a U.S. military response and perhaps envelop the rest of Asia.

Thus, the peace dividend; within China, WTO will empower a bloc of interests favoring outward-oriented growth and the conditions required to secure it, including peace and the rule of law. Dependent on Taiwanese and Western commerce, China would reconsider military adventurism as too costly and counterproductive.

It all sounds good. Indeed, China's membership in the WTO is, in the words of one observer, the "Rubicon of its opening to the outside world," since all previous efforts to integrate its economy with the world trading community have been unsuccessful. But this assumes a lot.

It assumes China's behavior amid change will be predictable, that it will set aside the longstanding historical grievances and nationalist claims that fuel its commitment to an extension of regional power in Asia through the acquisition of nuclear, chemical and biological weapons. It assumes that, in the absence of stronger cooperative security ties with Europe and Japan and deterrents such as theater missile defense, future U.S. administrations will be able to "manage" relations with China.

In the best of the possible worlds we imagine, international economic institutions like the WTO may very well help spread among some nations the practice of a decentralized and pluralistic brand of governance. But trade agreements and their trickle-down effects alone cannot suffice for a coherent, long-term national security policy that squarely faces up to the realities of America's emerging strategic threats.

At the least the debate will serve notice that some very sensible people in the Senate realize the U.S. cannot hang its future security relationship with China, and Taiwan, on WTO, as President Clinton seems to have done. It remains for the next Administration to fix this mistake.

For now, WTO is the matter before the Senate. It is too bad that Mr. Jiang and Mr. Clinton have gone out of their way to make it difficult for Senators to vote in favor of this otherwise positive step in U.S.-China relations.

U.S. SENATE,

Washington, DC, July 27, 2000.

President WILLIAM J. CLINTON,  
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: As the Senate nears consideration of legislation extending permanent normal trade relations to the People's Republic of China (PRC), we are writing to express concern that Beijing may be planning to take actions that would have the effect of blocking Taiwan's accession to the World Trade Organization (WTO). According to press reports, the PRC recently offered a proposal at the WTO calling for that organization to recognize the PRC's position that Taiwan is part of the mainland. Taiwan is the United States' eighth largest trading partner, and we support its admission to the WTO as soon as it meets the criteria for membership.

On several occasions, Administration officials have indicated that Taiwan's accession to the WTO would closely follow the PRC's. For example, in February, U.S. Trade Representative Charlene Barshefsky testified to the House of Representatives that ". . . the

only issue with respect to Taiwan's [WTO] accession . . . pertains to timing . . . there is a tacit understanding . . . among WTO members in general—but also, frankly, between China and Taiwan—that China would enter first and China would not block in any way Taiwan's accession thereafter, and that might be immediately thereafter or within days or hours or seconds or weeks. . . . Later that same month, in response to a statement by Sen. Roth that "there's a great deal of concern that Taiwan might be blocked [from entering the WTO] once China secures such membership," Ambassador Barshefsky testified ". . . the United States would do everything in our power to ensure that that does not happen in any respect because Taiwan's entry is also critical."

We respectfully request that you clarify whether your Administration continues to believe that Taiwan's entry to the WTO is critical, whether you remain committed to that goal, and whether you remain convinced that Taiwan will enter the WTO within days after the PRC's accession. Furthermore, is the Administration aware of any efforts by the PRC to impose extraordinary terms and conditions on Taiwan's accession to the WTO? What specific assurances has Beijing provided regarding the timing and substance of Taiwan's accession to the WTO? And what steps has your Administration taken to ensure that Taiwan will in fact join the WTO immediately following the PRC's accession?

We would appreciate a response to this inquiry by August 18, in order to consider its contents prior to Senate debate on extending permanent normal trade relations to the PRC.

Sincerely,

Jon Kyl, Orrin Hatch, Larry Craig, Mike Enzi, Don Nickles, Trent Lott, Bob Smith, Frank Murkowski, Conrad Burns, Gordon Smith, Wayne Allard, James Inhofe, Mike DeWine, Fred Thompson, Mitch McConnell, Slade Gorton, Pete Domenici, Jesse Helms, Connie Mack, Tim Hutchinson, Mike Crapo, Arlen Specter, Strom Thurmond, Jeff Sessions, Jim Bunning, Spencer Abraham, Craig Thomas, Robert Bennett, Phil Gramm, Susan Collins, Dick Lugar.

SEPTEMBER 7, 2000.

#### CHINA ASSERTS CLAIM OVER TAIWAN

BEIJING (AP).—Pushing its claim over Taiwan into complex trade negotiations, Beijing insisted Thursday that the World Trade Organization only admit Taiwan as a part of China.

The demand by Beijing threatens to impede Taiwan's membership bid as both the island and China near the end of their separate years-long negotiations to join global trade's rule-setting body. It also complicates a debate in the U.S. Senate this week on whether to approve a WTO pact with China.

Influential senators released a letter from President Clinton on Wednesday weighing in on Taiwan's side. Clinton wrote that his administration opposes Chinese efforts to call Taiwan "a separate customs territory of China."

Brushing aside the opposition, Chinese Foreign Ministry spokesman Sun Yuxi said Thursday that China wanted its sovereignty claim to Taiwan written into the terms for Taiwanese membership to WTO.

"The Chinese side has a consistent and clear position: Taiwan can join WTO as a separate customs territory of China," Sun said at a twice-weekly media briefing. He accused Taiwan of using the WTO negotiations to engage in separatism.

The dispute over what the WTO should call Taiwan underscores the 51-year split between

the island and the mainland and China's attempts to coax Taipei into unification. It also revives a debate that has simmered for years in working groups negotiating terms for Taiwan's entry to WTO and its predecessor, GATT.

Taiwan applied to join the General Agreement on Tariffs and Trade in 1990 as "the customs territory of Taiwan, Penghu, Kinmen and Matsu," thereby avoiding the questions of sovereignty and statehood. Penghu, Kinmen and Matsu are small island groups under Taiwan's control. GATT and now WTO rules allow regions in control of their trade but without full statehood to join as separate territories.

Under a 1992 agreement that allowed separate working groups to negotiate Chinese and Taiwanese bids, GATT members acknowledge China's sovereignty claim to Taiwan and out of deference said Taiwan could only join after Beijing.

Sun, the Foreign Ministry spokesman, insisted that the 1992 agreement recognized Taiwan as a separate customs territory of China.

Mr. KYL. In conclusion, as I said in the beginning, I think this is good news for the Senate, for the House, for the administration, and for all friends of Taiwan and for those who believe both in permanent normal trade relations with China, as well as the entry into WTO of both China and Taiwan; certainly Taiwan entering in terms that are appropriate as a trading partner of the United States, as a separate customs territory and not as a province of China.

This is good news. I hope it portends an early conclusion to the discussions that will form the basis for accession by both China and Taiwan into WTO. I appreciate the cooperation, as I said, of my colleagues here as well as the representatives of the President and the President himself.

Mr. ROTH. Will the Senator yield?

Mr. KYL. I yield.

Mr. ROTH. Mr. President, I congratulate the Senator for the leadership role he has played on this important matter. I think all of us feel very strongly that Taiwan must and should become a member of WTO. Under no circumstances should this imply a change in its trading status. Taiwan is our eighth largest trading partner—isn't that correct? It would be ironic if her status did not change. She is qualified. I think all the work has been completed for her to become a member.

I want to tell my colleague how much I appreciate the leadership he has provided.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MOYNIHAN. Mr. President, just 2 days ago, the Washington Times carried a fine article by our former colleague, Rudy Boschwitz, and Robert

Paarlberg, who is a professor of political science at Wellesley College, entitled "China Trade Boosts Farmers," subtitled, "Senate should back PNTR."

Farm state legislators should be particularly sensitive to the fact that China's joining the WTO will be a pre-emptive strike benefiting American farmers. Membership in the WTO will preclude China from later raising trade barriers on agricultural products.

It is a very thoughtful, factual, and persuasive article. In view of the serendipitous visit to this Chamber by our former colleague, I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Times, Sept. 11, 2000]

#### CHINA TRADE BOOSTS FARMERS

#### SENATE SHOULD BACK PNTR

(By Rudy Boschwitz and Robert Paarlberg)

Executive branch officials routinely exaggerate the expected payoffs from new trade agreements to win support for those agreements in Congress. The recent U.S.-China agreement setting terms for China's protocol for accession to the World Trade Organization (WTO) has been hyped accordingly. Yet in the area of agriculture, the gains from this new agreement are actually greater than U.S. officials have so far dated to claim.

Additionally, farm state legislators should be particularly sensitive to the fact that China's joining the WTO will be a preemptive strike benefiting American farmers. Membership in the WTO will preclude China from later raising trade barriers on agricultural products. Every other nation has raised such barriers as it has become industrialized.

Furthermore, on joining the WTO, China would undoubtedly find reason to curtail internal subsidies. Such subsidies would surely further increase China's agricultural production. China has already found such subsidization to be costly and to cause grain surpluses that are both hard to store and cope with.

The official claim, from the U.S. Department of Agriculture, is that China's participation in the WTO will produce an annual gain of \$1.6 billion in new U.S. exports of grains, oilseeds and cotton by 2005. It will also lead to \$350-\$450 million annually in additional U.S. exports of other products such as poultry, pork, beef, citrus, other fruits and vegetables, and forest and fish products.

This optimism is well-founded, since under the agreement China has agreed to allow imports of a minimum of 7.3 million tons of wheat virtually duty-free (only a nominal 1 percent tariff), and this quantity will increase to 9.3 million tons over five years. Those tonnages represent 11 to 15 percent of the wheat crop in the United States. For soybean and soybean meal imports, China's current tariffs will be located in at 3 percent and 5 percent respectively, and for soybean oil China will reduce and bind its current tariff from 13 percent to 9 percent—and increase the quota of imports allowed under this lowered tariff from 1.7 to 3.2 million tons over the six year implementation period.

Those numbers also represent a meaningful percentage of our production. For corn, China has agreed to allow imports of 4.5 million tons (at just a 1 percent tariff) increasing to 7.2 million tons. It also promises to stop using export subsidies to dump its own surplus production (roughly 8 million tons of corn this year) onto other markets in East Asia, opening up still more trading space for highly competitive U.S. corn exporters.

These market-opening gains are impressive measured against the standard of China's

current farm trade policies. Yet they are even more impressive if measured against China's likely future farm trade posture, absent any WTO disciplines. The new agreement does not simply codify future farm trade liberalizations that China might have been expected to undertake anyway. Instead, it operates pre-emptively against what might have otherwise been a damaging increase in Chinese farm sector protection.

The tendency of all nations as they industrialize is to increase policy protection in the agricultural sector.

Earlier in the 20th century, industrial development has also helped bring differing degrees of farm sector protection to most of Europe and to the United States. Continued rapid industrial development in China might thus have been expected, before long, to trigger an increase in China's farm trade protection from the current level. It is fortunate that China will now come into the WTO and bind its protection levels for agriculture before this natural, post-industrial tendency to extend lavish protection to relatively inefficient farmers has expressed itself.

This is good for U.S. agricultural exporters, but the Chinese know it is good for them as well, which is why they are doing it. The Chinese do not want to be stuck several decades from now struggling, like the Japanese and the Europeans, to escape a costly and burdensome system of subsidies to inefficient farmers. China's agricultural policies, which are not yet heavily protectionist, have nonetheless already begun to generate periodic surpluses of corn, wheat, and rice, and officials have learned these surpluses are expensive to store at home and costly to export under subsidy. China welcomes the import policy disciplines it is accepting in WTO as an incentive to avoid moving toward costly farm subsidy policies in the years ahead.

All that remains is for the U.S. Senate to approve Permanent Normal Trade Relations (PNTR) for China, so that U.S. farmers will be able to share in the gains from this new trade liberalizing agreement. Without a PNTR policy in the United States, the expanded agricultural trade benefits from China's accession to the WTO are likely to be captured more by farmers in Canada or Australia, and less by the United States.

With the U.S. farm sector currently struggling under a burden of low prices brought on in part by sluggish exports to East Asia, the China option is not one to be missed. Farm state legislators in Congress need to see these facts clearly when the time comes to vote on PNTR status for China.

Mr. MOYNIHAN. Mr. President, seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Parliamentary inquiry. Is it appropriate for the Senator from New Mexico to speak at this point?

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, this bill before us is a decisive step toward normalizing trade relations with China. Chairman ROTH has characterized this vote, the one we will make on this bill, as the most significant vote we will take this Congress. I agree.

While we will be concerned with many more issues that seem more important to individual Senators, and certainly we will be looking after our parochial interests in our sovereign States as we work as Senators—and that is all very important—but when we look at America and what she stands for in the world as it is evolving and developing, the final vote on this measure is probably the most significant vote we will take this year and maybe in many years.

Senator ROTH, I repeat, said that. I agree wholeheartedly. I am quite sure the tenor of Senator MOYNIHAN's suggestions—I have not been privileged to hear them here with the Senate—would agree with that. This is a very important issue.

This is the one vote that will be heard around the world. This is the one vote which recognizes that countries must play by the same rules in a globalized market if the market is to be efficient and function properly.

We hear so much talk about what is happening to the world—globalization. International trade, as part of globalization, must be efficient and effective.

This is the one vote that will do a great deal to encourage democracy for one in five people living on this Earth. I say encourage democracy because I truly believe this is the one vote that invites China to be our trading partner and, at the same time, determines whether American manufacturers, farmers, and service industries will get the benefit of trade and of an agreement pursued and negotiated by three different American Presidents.

They cannot all be wrong. As a matter of fact, they were all right. China is joining the WTO and have implemented a lot of reforms in order to be eligible. Furthermore, it has made promises to do certain other things. So that the U.S. can benefit from this new WTO members' market, Congress needs to grant permanent normal trade relations to China. It just took us a long time to understand and to work our way to this day when granting China permanent trade relations is finally before us.

On the subject of PNTR for China, Chairman Greenspan said:

History has demonstrated that implicit in any removal of power from central planners and broadening of market mechanisms . . . is a more general spread of rights to individuals. Such a development will be a far stronger vehicle to foster other individual rights than any other alternative of which I am aware.

That is precisely what globalization and international trading—China trading with America—have a chance to do.

Exposure to democracy and capitalism, information, and telecommunications and communication technology will increasingly influence the course of global affairs, without any question.

Imagine what Internet success means to a one-party, authoritarian state

such as China. Even if China's economic growth and military modernization appear to be threatening, our relationship with China will evolve within the context of a very different world, a world increasingly reliant on information to achieve economic growth, prosperity, and jobs.

Anyone who has gone to China recently or, for that matter, watched recent television programming regarding what is going on with the labor force in China will know that Chinese men and Chinese women will move to get good jobs. They are already moving from the countryside to the cities without any retribution. They are smiling. They are taking risks because they see the opportunity to get a good paycheck. Make no bones about it, they want jobs that pay them money so they can move up their standard of living in this world.

That force, if turned loose in China, will change China forever. In particular, since China does not have the kind of central government the Soviet Union had, although we have from time to time called them both Communist countries, they are certainly very different in terms of the ability to control people and whether or not the central government really has as much control or is as despotic as the government that was managed by a small oligarchy in the Soviet Union.

I am not suggesting the trade, the Internet and computers will topple authoritarian structures in China overnight, but I do believe that for many years information control was equivalent to people control, but information control is quickly becoming more and more impossible.

Exposure to our economic system through trade, telecommunications, and the Internet will encourage strides toward freedom, in my humble opinion. For every argument that China is a risk to America's future, I argue that China trading with America is a move in a direction of freedom that takes away from the risk of the future, takes away from the risk of a centralized powerful Chinese Government being dangerous to the world. Not that they are not, not that they could not be, but I submit it will be more and more difficult for that to occur as free trade permeates the cities and suburbs of China and the people who live there and the businessmen who will prosper by it.

I offer that while it is not at issue, education is another catalyst for economic freedom and democracy. Chinese students attending American universities is an important part of any effective economic trade and foreign policy for the United States. I know there are a lot of young Chinese coming to American universities to be students here, and living our way of life while they get educated. I asked my staff to find out just how many. Fifty thousand Chinese students from China now, not Taiwan—attended American universities last year. The number grows by the thousands every year.

The important thing is that these students are not studying math and science and culture by remote control. They are doing this by being physically present in American cities across this land. I submit, the more the young people of China experience America and are exposed to American freedom and watch capitalism work in America, the more likely it becomes that the future of China will be subtly but unalterably influenced in a positive direction.

Whether these Western-educated, young Chinese people are involved in politics or business—I would add in science or math or physics—their views about democracy and the free market economics will not be controlled or dominated by the so-called party.

Over the long run, experience and exposure will have a direct and significant impact on mainland China. And the leaders know what is happening.

The Chinese leaders do not attempt to stop their students from coming to the greatest universities in the world and get educated in the best way in the world. In fact, sometimes I think they must be aware that there is a better way than what they have in their country, and to some extent they may think a better way is substantially the free way, the American way.

China is a big, big market. It has been estimated that the PNTR would increase U.S. exports to China by about \$13 billion annually and will grow every sector of this economy. China is densely populated. It is a country in which one in five people alive today live. Think of that. This is largely an open, untapped market, both for the mind and for substances of trade.

I will comment on my State, which is not looked at as an exporting State, but direct exports from New Mexico to China totalled \$235 million in 1999; and adding indirect exports through Hong Kong, brings our total to about \$320 to \$350 million.

We often hear the expression “everything from soup to nuts” to describe something very comprehensive, something widespread. An apropos variation of this colloquialism is “China-New Mexico trade covers everything from chips to cheese.”

Agricultural tariffs will be cut by more than half. New Mexico has, believe it or not—and this is not because PETE DOMENICI is of Italian extraction, whose mother and father came to New Mexico as immigrants—the largest mozzarella cheese plant in all the world. The mozzarella cheese for all of those delis they have in New York, where does it come from? New Mexico. And so is the case for China; it comes from New Mexico. They are one of our large importers of that cheese, and many other cheese products made in our State.

Incidentally, I say to Senator MOYNIHAN, while time has been passing, New Mexico has been growing in terms of dairy cows and as part of American milk production. Everybody thinks dairy product production is a Wis-

consin issue, but New Mexico is now ninth among all of the sovereign States in terms of the production of dairy products. That is why it turns out we are working with China.

PNTR and China joining the WTO will be a big help for the New Mexico producers of milk products, as the Chinese people get the opportunity to compare the comparative culinary merits of Domino's, Pizza Hut, and even Papa Johns. I know my friend from New York is not here working on this agreement because he wants to see more Pizza Huts in China, but I think he would not disagree that the United States has an array of export opportunities from State to State. When you add all those up, they do go as far as the ingredients that go into a pizza, all the way to the ingredients and intellectual knowledge that goes into making fancy computer chips or to make anything that China makes and sells to the world.

The tariff on agricultural products will drop. It will drop from 50 percent to 10 percent on cheese products; from 35 percent to 10 percent for lactose and whey, both of which are produced in large quantities in the States of the United States that have many dairy cows and much milk production.

It is not well known that Intel Corporation manufactures flash memory microchips in its Rio Rancho plant in New Mexico, right next to Albuquerque. Flash memory chips are used in cellular phones, digital cameras, personal computers.

The flash memory chips are sent to Shanghai for assembly and testing before they are shipped to customers worldwide. In 2000, Intel earned over \$500 million in revenue from the flash memory chips manufactured in New Mexico and tested in China. Both China and New Mexico added profit to the product as it moved its way to market.

If we do not grant PNTR status to China, it is quite obvious that somebody else will take our place in each of these markets that I have described for my State in terms of being a manufacturer of products. Obviously, someplace else in the world can decide, if we are going to leave that trade barrier up, instead of reducing it 50 percent and 30 percent, as I have described, to get the business and the profit margin, where a foreign business could have the tariff rate that is not being adjusted.

China is discovering the necessity for cellular phones. I am talking about a product with which we are all becoming very familiar. There were 40 million cellular phones in China last year. This year, the estimate is 70 million. By 2003, China has projected to have more cell phones in use than any other country on the globe.

You can understand that because, you see, to some extent cellular phone use in America was inhibited by poles, with telephone lines, and telephones that are attached to them. We had that before cellular phones were invented. While we think that is great, it is a

burden to the growth of cellular phones. Maybe the word “burden” is wrong, but at least cellular will not grow as fast.

Now enter into a Chinese city where they do not have any telephone poles, and all of a sudden they have cellular phones. They will never build telephone lines. That is why you can say they will go from 40 million to 70 million in 1 year. And who knows thereafter?

I guess we could then ask, how many telephone poles could they put in the ground? And how many telephone lines could they put up? While this was not part of my prepared text, I would speculate that they are not doing hundreds of thousands of miles of telephone lines. Why would they? They would just leapfrog to the newest technology. And that is what they began to use. That is what they will use for a long time hereafter.

Some have argued that PNTR is an attempt to move manufacturing jobs overseas. That is an argument we have to confront every time we talk about lowering trade barriers with some country in the world. It was the same argument when created the North American Free Trade zone with Mexico, I say to my good friend from New York.

Let me illustrate that this is not the case with reference to that contention. Last week, Intel broke ground on a new fabrication plant in Rio Rancho, NM. This expansion had a total cost of \$2 billion.

Mr. MOYNIHAN. Two billion.

Mr. DOMENICI. It will provide 500 to 1,000 more jobs for New Mexico, highly paid, skilled jobs.

Obviously, local businesses will also profit from this expansion. That is what expanded trade with China means to Americans and to New Mexicans.

I gave you the example of the \$2 billion investment because that investment is made to make one phase of the computer chip that I just described. The other phase will be done in China. Both countries will gain employment and will gain in terms of the production of items that add to our respective gross national products. I do not know which will have more. I would assume they would have a few more workers doing theirs, but we will have the master plant with the most modern technology.

The challenge to America in an international global market is the risk that we are taking, and it is singular. It is one. It is that we will not be able to produce the high-tech, high-paying jobs ahead of the rest of world and keep them here. That is really the only challenge. If we can do that, and train our people sufficiently to do that, we will win all the time because we will keep the high-paid, highly skilled jobs here, as we are currently doing vis-a-vis a country such as China or other countries in the world.

So granting PNTR to China makes practical economic policy, and it

makes good foreign policy. I think they are tied together in this case.

I have had an opportunity to talk to Henry Kissinger, who I happen to know quite well from a long, long time ago, when he came to my State with his young son who is now grown up and is involved in the movie production business. He was 13 when he joined his father in my city doing an event for me when I was a young Senator. He talked about the global policy significance, not just its economic significance. I agree. I agree that there is no doubt that this is good trade policy and good foreign policy.

Grant PNTR is practical economic policy, but it is also inescapable economic policy because it is impossible, in this era of globalization, for the United States to fence off 20 percent of the world's population and refuse to trade with them on the same trade terms we trade with others. Trade relations with China are not the same as they were in 1979 when China and the United States first resumed diplomatic relations. At that time, all trade flowed through the Chinese Government in the form of state-owned enterprises. Today the private sector accounts for nearly 70 percent of China's output. Maybe I would put it differently because some of these centers of trade, we don't know whether they are private sector, as we understand them, but the nongovernment sector, nonowned by the Government, is nearly 70 percent of the Chinese output compared with 30 percent Government-owned.

We understand the Government is not too happy with owning even the 30 percent because they really don't know how to run it. They are seeing what is happening in the competitive world, and big policy discussions are occurring there as to what do they do about that situation. They have observed and have learned what happened to state-owned businesses in the former Soviet states, and they went from total ownership to nobody wanting ownership. There was nothing in between. We have the former Soviet Union, at least Russia, with an economic production machine that has been reduced to almost nothing. We will soon be comparing the total gross domestic product of Russia with one of the smaller countries in Europe. Imagine that.

Mr. MOYNIHAN. Will my distinguished friend yield for a question?

Mr. DOMENICI. I am pleased.

Mr. MOYNIHAN. Would he know that the current best estimate is that the GDP of Russia is now approximately that of Switzerland?

Mr. DOMENICI. I wouldn't.

Mr. MOYNIHAN. And that sequence, exactly as he has described it, total ownership to no ownership, as against the transformation before our eyes, is taking place in the PRC.

Mr. DOMENICI. That is absolutely correct. I might add that what is happening in Russia, the Chinese have seen very clearly. They are never going to

let that happen. We went from Government ownership to no ownership to oligarchs who substituted here in the middle who became powerful, rich people who put these businesses together; bought them from the Government. Now a few groups own more businesses than anybody expected in Russia and do not run it in any way consistent with Russia's future. It is just their own. Whether they pay taxes or not is their business. That is the way things go. It is not so good.

Let me talk about this trend that is occurring in China. I think it is excellent. It is a great sign because a growing market-based economy is the most effective path to democracy for China and should be encouraged as part of the American policy with other free nations in the world.

There have been a lot of amendments offered to this bill. I owe the Senators who offered them, individually or for themselves and others, an explanation of why I voted against each and every one. Some of them are very good. Some of them, if freestanding and not burdening a measure of this magnitude, I probably would have come down and even debated. I did not. I did not come and talk on any of them because I was not going to vote for any. It appeared to me that my responsibility as a Senator was to see that this legislation got through here, at least as much as I could. That meant don't add amendments to it that are apt to make it impossible for this legislation to get passed and sent to the President for signature.

I consider this to be the most important event of this year and maybe of a couple years. While it does not come out of my committee, I have been informed on it. I worked on it. I am very proud of the Finance Committee and in particular the chairman, the distinguished Senator from Delaware, Mr. ROTH, and obviously, the ranking member, the distinguished Senator from New York.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, before our beloved chairman of the Budget Committee, the Senator from New Mexico, leaves, may I thank him for his remarks. All anyone need say is what he has said. I would just supplement them with one comment to reinforce what he has said. We, the Finance Committee, held a long series of hearings on the bill. It happens, in the last paragraph of the last witness, the Honorable Ira Shapiro, who has been previously our chief negotiator for Japan and Canada at the Office of the U.S. Trade Representative, said thus:

This vote is one of an historic handful of congressional votes since the end of World War II. Nothing that Members of Congress do this year or any other year could be more important.

He was not simply speaking of trade and the standard of living. He was talking about the large geopolitical fact of

do we include one-fifth of mankind in the world's system we wish to create, we have created, and are creating, or do we say, no, you are out, and invite hostility that could spoil the next half century?

We have not. Today we voted by a two-thirds majority to go forward. I thank the Senator for his vote and his leadership throughout. It is a cheering experience in what has not been always a cheering year.

Mr. DOMENICI. Will the Senator yield?

Mr. MOYNIHAN. Mr. President, I yield.

Mr. DOMENICI. Mr. President, I thank Senator MOYNIHAN for those kinds words and for his last observation.

Perhaps Mr. Shapiro said it more eloquently than I. I consider it one of the most important events, and I described that early on as I see it.

I would add one observation. I ask the Senator if he shares this. Frankly, I think it is very important, when China is granted PNTR, when it becomes a member of WTO, that they not leave with the American people in the next few years, that they not let activity on their part happen which would let Americans think that they are discriminating against the purchase of American goods and services. If we are competitive in this world, whether it be in services or in products or in agricultural products, we don't expect China to control that through its Government but rather leave it to the free and open market or, indeed, Americans will look at this as a sham.

Mr. MOYNIHAN. Yes, sir.

Mr. DOMENICI. Our companies are telling us they can compete. I know of many areas they can compete, and they are not competing because of trade barriers, because of tariffs, and because of the selectivity of some of the governmental entities in terms of who they pick and choose. That part is a little risky on their end. It may be a small amount of product, but it could be a very big wave if they are not careful.

Mr. MOYNIHAN. Mr. President, if I might respond, there is an extraordinary symmetry to what we are doing today. Toward the end of the Second World War, when China was our ally, we gathered at Bretton Woods in New Hampshire and drew up the plans for what became the World Bank, the International Monetary Fund, and an International Trade Organization to establish common rules for trade that would be abided by, a rule of law that could be adjudicated and settled. China was a full participant at the Bretton Woods Conference. China joined the General Agreement on Tariffs and Trade after the International Trade Organization, sir, was defeated in the Senate Finance Committee.

They withdrew after the Chinese Red Army overran the mainland. But now the People's Republic has asked to come back and join the revived International Trade Organization, now the

World Trade Organization, which has rules that are to be abided by, and non-discrimination is the first rule.

That is why this measure is so important because we could not be in the WTO with China if we had a provision that we must renew normal trade relations status once a year. No, but each of us must abide by the rules. It is now up to the vigilance of our Department of Commerce, the Trade Representative, American business, and labor unions to see to it that the rules are abided by. You can't hope for more.

Let us go forward in confidence and determination, as the Senator described. I thank the Senator.

Mr. DOMENICI. I thank the Chair.

Mr. MOYNIHAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I know my colleague from Wisconsin has been here before me. I have been asked by the majority leader to make a unanimous consent request. As soon as I make it, I hope the Chair will recognize my colleague from Wisconsin.

Mr. President, I ask unanimous consent that there be 30 minutes equally divided for debate relative to the Feingold amendment regarding a commission, with no second-degree amendments in order prior to the vote.

I further ask consent that following that debate, Senator WELLSTONE be recognized in order to resume debate on amendment No. 4120.

I further ask consent that following the use or yielding of that debate time, the Senate proceed to a series of roll-call votes in relation to the following amendments, with 2 minutes for closing remarks prior to each vote. Those amendments are as follows: Helms amendment No. 4128; Helms amendment No. 4123; a Feingold amendment regarding a commission; Wellstone amendment No. 4120.

Mr. MOYNIHAN. Mr. President, might I inquire, I understand there are to be 2 minutes of debate between each of the specified votes.

Mr. ALLARD. Yes, 2 minutes for closing remarks prior to each vote. So I assume that is 1 minute to each side. I understand this has been agreed to by the leadership on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so I may offer an amendment.

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

#### AMENDMENT NO. 4138

Mr. FEINGOLD. 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 Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 4138.

Mr. FEINGOLD. 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 make technical changes relating to the recommendations of the Congressional-Executive Commission on the People's Republic of China)

On page 44, beginning on line 4, strike all through page 45, line 12, and insert the following:

(g) ANNUAL REPORTS.—The Commission shall issue a report to the President and the Congress not later than 12 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, setting forth the findings of the Commission during the preceding 12-month period, in carrying out subsections (a) through (c). The Commission's report shall contain recommendations for legislative or executive action, including recommendations indicating whether or not a change in China's trade status is merited.

(h) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under subsection (g) shall include specific information as to the nature and implementation of laws or policies concerning the rights set forth in paragraphs (1) through (12) of subsection (a), and as to restrictions applied to or discrimination against persons exercising any of the rights set forth in such paragraphs.

(i) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) INTRODUCTION AND REFERRAL OF RESOLUTIONS.—

(A) IN GENERAL.—Not later than 10 session days after receipt of the Commission's report by a House of Congress, the Majority Leader of that House shall introduce a joint resolution in that House providing for the implementation of such recommendations of the Commission's report as require statutory implementation. In the case of the Senate, such resolution shall be referred to the Committee on Foreign Relations and, in the case of the House of Representatives, such resolution shall be referred to the Committee on International Relations. In the consideration of resolutions referred under this subparagraph, such committees shall hold hearings on the contents of the Commission's report and the recommendations contained therein for the purpose of receiving testimony from Members of Congress, and such appropriate representatives of Federal departments and agencies, and interested persons and groups, as the committees deem advisable.

(B) SESSION DAY DEFINED.—The term "session day" means, with respect to a House of Congress, any day on which the House of Congress is in session.

(2) PROCEDURE FOR DISCHARGE OF COMMITTEES.—If the committee to which is referred such resolution has not reported such resolution at the end of 15 calendar days after its introduction, such committee shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(3) MOTION TO PROCEED.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (2)) from further consideration of, a resolution described in paragraph (1), notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and

against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(4) The provisions of paragraphs (1) through (3) are enacted by

Mr. FEINGOLD. Mr. President, this amendment will increase the strength and the relevance of the Congressional-Executive Commission on the People's Republic of China.

It is no secret that I oppose H.R. 4444, the bill extending permanent normal trade relations to China. I believe it is a mistake to institutionalize a separation between our trading relationship with China and our concerns regarding the deteriorating human rights situation in China. I believe this compartmentalization of American interests makes for policy that is confused, contradictory, and ultimately ineffective.

I am not blind to the numbers; I am not blind to the likely votes. This bill stands an excellent chance of passing the Senate, and we are dealing with legislation likely to become law. So I choose to take seriously the efforts made in the other body to somehow integrate human rights concerns into this legislation.

Perhaps I am supposed to assume those efforts are simply window dressing, mere political cover for those who feel obligated to address human rights issues but who are also disinclined to impede this trade initiative with inconvenient complications. But I reject that assumption. If this bill passes, as it probably will, the Congressional-Executive Commission on the People's Republic of China will be important both in substance and as a symbol. It may well be the only remaining bridge in our China policy between this country's highest values and the pursuit of profit for the few. It will be the watchdog, in a sense, responsible for ensuring that our trade policy undermines neither our national values nor our national character. Its structure and its mandate will carry this burden. So I do think this commission deserves our serious consideration.

As currently constructed, the commission would produce an annual report. But it would not be required to include policy recommendations in this report, and neither the House nor the Senate would actually be required to debate the report or to hold any kind of vote on it. In short, the commission would be extremely weak and then, of course, could be easily be marginalized.

My amendment would strengthen the commission in several ways. First, it would require that the commission's report contain recommendations for legislative and/or executive action,



rather than simply permitting such recommendations. As the debate on this bill has shown, we do not lack for reports of gross human rights violations in China. But simply stating the facts is not enough; our actions must reflect acknowledgement of those facts. Thick reports and handwringing in and of themselves do not serve U.S. interests. Policy recommendations have to be an explicit part of the commission's mandate.

In addition, this amendment would require that legislative proposals contained in the report be considered by both the House International Relations Committee and by the Senate Foreign Relations Committee. As it now stands, this commission reports only to the House. I urge my colleagues in this body, the Senate, to recognize that the Senate needs to consider this report and its recommendations as well. We cannot leave this important work solely to our House colleagues and, in effect, wash our hands of it. We must protect the Senate's prerogatives and ensure that both Chambers of this Congress engage with this important commission.

Finally, this amendment lays out a procedure by which this commission's recommendations could be considered by this body rather than simply gathering dust and assuaging consciences on our office shelves. It would establish a procedure, one that is not unfamiliar or unprecedented, whereby commission recommendations, in the form of a resolution, would be considered by the appropriate committees. These committees would then hold hearings to review these recommendations, allowing for public comment and opening up this process to democratic participation and actual debate.

Critically, after committee consideration, any Member of the House or Senate would have the right to call up the resolution on the floor. This amendment ensures that the crucially important issues covered by the commission can be considered by any Member, not only the members of certain committees. As it now stands, only members of the House International Relations Committee would have the power to consider and weigh the commission report. That seems very odd to me for a bicameral legislature. This amendment provides a mechanism for moving the substance of commission recommendations onto the floor and into the realm of full congressional consideration.

This is hardly an extreme proposition. My amendment would give this commission greater relevance, rather than relegating it to bureaucratic limbo. Relevance seems like an eminently reasonable goal for a body charged with the critically important work of reconciling U.S. support for human rights with the U.S. trade policy toward China.

Those toiling in forced labor camps are relevant. This body ought to behave as if they are relevant. The Ti-

betan and Chinese people, fighting every day for religious freedom, are relevant. Victims of torture are relevant. The Congressional Executive-Commission on the People's Republic of China is where these people will now have to find their place in U.S. policy. I urge my colleagues to take this seriously and give it the strength it needs to be meaningful.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, the Republican floor manager has indicated I could use his time to talk about this important piece of legislation. I don't have any remarks I am going to direct specifically to the amendment; although, I find myself in the same position as the Senator from New Mexico, Mr. DOMENICI, in that there are many amendments that, under different circumstances, I may very well have found myself supporting. But because I think this is such an important piece of legislation, I have decided to oppose any amendments that will be made to this bill because I think it will put it in jeopardy, and the chances of it passing the House are, from what I understand, not good if we put Senate amendments on this side.

I think we will have an opportunity in the future to address some of the amendments that were attempted to be made to this particular piece of legislation. Under those circumstances, as I mentioned earlier, I will probably support them.

I think this is a very important piece of legislation for this country. It is a very important piece of legislation as far as the State of Colorado is concerned. The State of Colorado has experienced tremendous growth in exports, and I attribute that to the type of industry we have in the State of Colorado. We are primarily agriculture and light manufacturing, which includes high-technology. Those are areas where we have had a lot of growth in exports nationwide. Colorado has been the benefactor of that.

I have come to the belief that we need to work to open trade barriers. When we open these trade barriers, democracy is exported and we prosper economically. Colorado would be one State in the Nation that would be a good example of that.

Western civilization has been trading in some manner with China since the Roman Empire anchored one end of the Silk Road. But it will not be until we pass this bill before us that our culture will have access to free and open trade with this massive country called China.

I am glad most of us have recognized that the term "most favored nation" was a misnomer. This country needs to remember that China will not actually be "favored." China will be equally treated as we treat the other 137 World Trade Organization countries such as Cyprus, Jamaica, and Djibouti, or the

newest WTO member nation, Albania. We are not singling China out for special treatment, nor are we ushering them into the community of nations. The World Trade Organization exists separate from our decision.

I am struck most by this fact: That if the United States does not pass permanent normal trading relations, it does not keep China out of the WTO. It just keeps America from benefiting from China's presence in it.

China has 1.3 billion people, a purchasing power of \$4.42 trillion, and a yearly import market of \$140 billion. Nearly 20 percent of the world lives within its borders—a fifth of the world. And many of the Chinese people are just beginning to desire Western products such as those made in Colorado—luxury goods, communication gear, computers, software, western beef, wheat, and so much more. The rest of the world is scrambling ferociously to pass their own version of PNTR to capture the China market.

If we turn down this opportunity or if we amend it into practical nullification, we will not stop China's human rights problems; we will not force China to accept freedom of religion, speech, or other individual liberty. All that will happen is the United States will be denied the loosening of tariffs and import controls that the rest of the world nations will gain.

If Congress balks at PNTR this year, 137 nations other than the United States will benefit from free trade with China while American workers, farmers, ranchers, and small businesses are denied equal access.

Everyone knows we trade with China now. Colorado exported \$166 million worth of goods to China in 1998. Colorado Springs alone, one of our larger metropolitan areas, exported \$41 million. Denver, another of our larger metropolitan areas, exported \$16 million to China. And these numbers are only going to grow. If we grant China PNTR, Colorado will be assured a more prosperous future. Why? Because with PNTR-WTO membership, China will have to lower their average tariffs on U.S. goods from 24 percent to 9 percent. They will have to cut average agricultural tariffs in half and eliminate all tariffs on high-tech goods. But Colorado and the United States will not have to undergo similar market restructuring. The United States already has open markets and engages in free trade.

It is China that will have to open their markets and end their protectionism to benefit from WTO membership. This will then facilitate more trade and higher profits for Colorado companies and Colorado workers.

Why is China doing this? Because they know what we do. Free trade benefits those who practice it.

Many export producing jobs pay better than basic service sector jobs. Increasing trade generates more jobs of a higher quality, and that presents more opportunities for workers.

For instance, since NAFTA, Colorado has increased exports to Mexico by \$300 million. China PNTR will add to this export total.

If we were to set aside economic reasons, there are still many other reasons to favor PNTR. The first is humanitarian.

History has shown that it is the isolated, closed societies that are the most brutal and repressed. International contact—such as would be brought about by increased trade, with businessmen, foreign goods, exchanges, corporate presence and marketing—would serve to increase access to a higher standard of living and a better quality of life.

We would be able to up-grade the everyday lifestyle of the ordinary people of China, and that is not an opportunity to be ignored by those who seek to aid the world's less fortunate.

The number one export from America is democracy.

PNTR will not only tear down the trade barriers for Colorado's workers, farmers, and small businesses, it will also flood the Chinese culture with the American ideals of liberty and democracy.

When the freedom protesters took over Tiananmen Square in 1889 and built a replica of the Statute of Liberty, they were not just expressing support for the type of freedoms enshrined in our political documents.

They were expressing a desire for the liberty and benefits of a modern, vibrant, and free United States that they saw on the current world stage.

By increasing our relations with China, we can side step the admittedly authoritarian regime in Beijing, and deal with the people themselves through our products and our communications.

The Soviet Union did not fall because we passed resolutions against them. It did not fall because we had bitter debates about their human right records, and it did not fall because we regularly reviewed their civil liberties.

It fell for two reasons that remain relevant today: The Soviet Union fell because the oppressed people of Eastern Europe grew tired of being left behind by the western prosperity they saw, and because their leaders realized that President Reagan would not let them take that prosperity by force. Unable to keep up with the western nations, they fell behind and eventually fell apart.

We need to remain aware of and secure against China's sometimes blatant hostility to us and our ideals. But we have less to fear from a China that shares an engaged, mutually beneficial relationship than from an excluded China shut out of our markets.

Taiwan, the nation most under the gun from an aggressive China, supports Chinese PNTR/WTO membership for this very reason. It suggests that they too hope that increased trade will overwhelm the communist system and force it to grow and develop into a

more mature, efficient, and equitable system.

Some oppose trade agreements because of security concerns. Trade agreements are not the reason for the loss of our nation's military secrets.

We have seen serious security lapses in the Department of State, Department of Defense, Department of Energy, and our national laboratories. The responsibility of protecting our national secrets lies with the Administration, not our trade policies.

The most recent Department of Energy security blunder, losing two hard drives, coupled with the discovery of bugging devices in State Department conference rooms and the mishandling of classified information by the recently dismissed Director of the Central Intelligence Agency, builds a very strong case for this administration's blatant disregard for protecting our national security secrets.

However, these wrongs pale in comparison to the Secretary of Energy's decision to ignore the public law enacted by Congress last year to establish a semi-autonomous National Nuclear Security Agency to correct known security deficiencies within his department.

Fortunately, the recent Los Alamos incident expedited what had become a stalled effort to confirm General John Gordon as Director of the newly formed NNSA. With General Gordon in place, I sincerely believe we will finally get some action to hasten security reform within this agency.

But these acts, all pre-PNTR, highlight a simple truth—weapons proliferation, national security, and defense are functions of a nation's leaders, not its merchants.

If we want a strong, pro-active national defense that diligently maintains our vital interests, we can not expect to let trade agreements alone shoulder that burden.

It is my hope that the upcoming vote will confirm America's commitment to free trade, international participation, and mutually beneficial capitalism. That is why I will be voting in favor of China PNTR and against any amendments.

I yield the remainder of my time.

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

Mr. FEINGOLD. It is my understanding that the Senator from Colorado has yielded time in opposition to my amendment.

Mr. ALLARD. I yield my time on the floor and I reserve the time we have in opposition.

Mr. FEINGOLD. I am prepared to yield back my remaining time.

Mr. ALLARD. I want to make sure the floor manager is comfortable yielding back on our side; if so, I yield back the remainder of time.

Mr. ROTH. I suggest to the Senator from Colorado that I will make a few comments.

Mr. ALLARD. I yield my time.

Mr. ROTH. Mr. President, I rise in opposition to the Feingold amendment.

This amendment would change the mandate of the Levin-Bereuter Commission created by H.R. 4444 by mandating that it make recommendations to the Congress on legislative actions. Such recommendations would have to be introduced in each body, be referred to the Foreign Relations Committee and the International Relations Committee, and be considered by those committees and the Congress under rules similar to "fast track."

I oppose this amendment for many reasons. As a jurisdictional matter, I oppose a change in the rules of the Senate that would refer a revenue measure to a committee other than the Finance Committee, as this amendment would do if the Commission recommended a change in the trade status of China, and I urge all Finance Committee members to support me.

Second, I see no need to compel a recommendation out of the Commission. As outlined in the mandate of the Commission, if they choose, they may make a recommendation to the Congress on legislative action. Compelling the Commission to do so strikes me as misguided.

Third, I see no need to fast track a recommendation by the Commission. The Congress can consider any recommendation by the Commission under the regular order, just as we are considering PNTR.

Finally, as I have outlined with every amendment, I believe the adoption of this amendment would unnecessarily risk slowing the underlying bill down. Therefore, I view a vote for this amendment as a vote to kill PNTR.

Mr. FEINGOLD. Mr. President, I will briefly respond to the comments of the distinguished chairman.

Yes, this amendment, in terms of the commission that was established in the House consideration of the bill, says there ought to be some recommendations coming out of this commission, there ought to be some reality. This is all we will have left of the opportunity to consider issues such as human rights in connection with China's trade status.

Instead of just having a series of documents or volumes on a shelf gathering dust, we suggest there ought to at least be a requirement that there be recommendations coming forward. That seems to me to be very modest. This is not something that would in any way undercut the legislation or the purpose of the legislation. It would simply make sure that the work of the commission results in some recommendation.

What strikes me as even more strange about opposition to this amendment is that the distinguished chairman would leave this commission to be only a commission that reports to the House of Representatives. He would prefer that a commission that apparently is a serious commission, one that the chairman will support, as

he votes for final passage of the bill, should not report to this body. I would think his institutional concerns of having to do with proper referral to one committee or another in a revenue bill would also apply to the notion that a report should go to the Senate as well as to the House on something as significant and weighty as the question of human rights and other issues in connection with China's trade status. I find it baffling that the main proponent of this bill would not agree that this Senate should receive the report, as well as the House.

The Senator makes the point, as well he should as chairman of the Finance Committee, that he believes there may be some concerns about proper jurisdiction in terms of committees. I am a member of the Senate Foreign Relations Committee, so I definitely believe this should go to the Senate Foreign Relations Committee.

But I have no problem with certainly inviting an amendment that calls for a joint reporting to both the Senate Foreign Relations Committee and the Senate Finance Committee. It seems to me that would take care of that concern. I know of a number of cases in my brief time in the Senate where we have had these joint referrals, and that would take care of the chairman's concern.

Not only is this amendment not threatening to the underlying purpose of this legislation, it is simply an amendment that balances the purpose of this commission so that it has some relationship to the structure of our Congress. It says there ought to be recommendations given and they should be reported to the Senate as well as to the House; that the Senate Foreign Relations Committee should continue to consider these recommendations, as it has done in the past.

I can't think of a more modest amendment one could raise with regard to this bill. It is based on a commission that was already approved overwhelmingly in the House of Representatives and supported by all of those who support this legislation. All we are trying to do is have a similar requirement with respect to a report in the Senate. It couldn't be more modest. It is a sign of how desperate the proponents of this legislation are to get this thing through without even the possibility of a modest, logical change such as having the Senate as well as the House receive a report.

I reserve the remainder of my time.

Mr. President, I am prepared to yield the remainder of my time if the opposition to the amendment will do the same?

Mr. ROTH. Mr. President, I yield the remainder of the time on our side.

Mr. FEINGOLD. I yield back the time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 4120

Mr. WELLSTONE. Mr. President, my understanding is we are now considering amendment No. 4120.

Mr. President, this amendment would delay the effective date of PNTR until the President can certify that China has provided a full accounting of activists who have been detained or imprisoned for their labor activities and China is making "substantial progress" in releasing these activists from prison.

What we are really talking about here is that this amendment calls upon the President to delay the effective date of PNTR until we get from China an accounting of those citizens who have now been imprisoned in China because they have tried to exert their human rights to organize and bargain collectively so they can make a decent wage, so they can work under civilized working conditions, so they can support their families.

What we are talking about is we want to see some evidence that China has made substantial progress in releasing these activists from prison. We do not have an exhaustive list of all the labor activists who are now serving prison terms in China. There are many of them about whom the facts are unknown. That is one of the reasons this amendment calls on China to provide a full accounting. But I will draw from what empirical evidence I have as a Senator, a Senator who is concerned about human rights and the right of people to be able to organize their own independent unions. I will draw from two sources of information. The first is the U.S. State Department Human Rights Report which actually confirms that the Chinese Government has been persecuting and incarcerating labor activists.

According to the State Department:

Independent trade unions are illegal. . . . Following the signing of the International Covenant on Economic, Social, and Cultural Rights in 1997, a number of labor activists petitioned the Government [Chinese Government] to establish free trade unions as allowed under the Covenant. The Government has not approved the establishment of any independent unions to date.

Now I will talk about some specific examples. First, I will draw from the State Department report—our State Department report of this past year.

Two activists in January were sentenced to reeducation through labor for 18 months and 12 months, respectively. Why were they arrested? They were leading steelworkers in a protest because they had not been paid wages.

In January of this year, another activist, the founder of the short-lived Association to Protect the Rights and Interests of Laid-Off Workers, unsuccessfully appealed a 10-year prison sentence he received—10 years in prison. He had been convicted—for what? "Illegally providing intelligence to a foreign organization." What was that foreign organization? It was a Radio Free Asia reporter, and he was talking about worker protests in Hunan Province. For that, a 10-year prison sentence. Do we not care about this?

In April of this year workers announced the formation of the Chinese

Association to Protect Workers' Rights. In July, a labor activist and China Democracy Party member was arrested on subversion charges. He was arrested after taking part in a workers demonstration outside the provincial government building. He was sentenced to 6 years in prison.

In July, another labor activist was sentenced to 10 years, and two others were sentenced to 2 years in prison for subversion. What is it that they had done wrong? They were out there trying to organize workers and the family of one of these activists alleged that the police hung him by his hands in order to extract information on fellow dissidents.

In August, another labor activist in China was given a 10-year prison sentence for illegal activities in the 1980s, and more recently he was also thrown in prison because he had organized worker demonstrations. This time he was convicted for providing human rights organizations overseas with information on protests—a 10-year sentence, prison sentence, for a man who had the courage to try to organize people and who then went to human rights organizations overseas with information about worker protests in China. He is now serving 10 years in prison.

Don't you believe we could at least ask China to provide us with some credible information that they were now letting these people out of prison; that they were doing something about all of the people who have been imprisoned?

This list is compiled by the ILO—Senator MOYNIHAN talked about the ILO yesterday on the floor of the Senate. A 28-year-old worker in a Hunan Province electrical machinery factory, was sentenced in 1989 to a life sentence for hooliganism. His reduced sentence is being served in prison and he now has been told he will get out in the year 2007.

A manual worker in Shanghai and a member of the Workers Autonomous Federation was sentenced in 1993 to 9 years in Shanghai prison for organizing a counterrevolutionary group. That from the ILO—my evidence.

A worker, organizer of another Workers Autonomous Federation was sentenced to 13 years imprisonment—for hooliganism again. That is the charge any time you demonstrate, any time you try to organize people, any time you have the courage to stand alone and speak up for democracy.

Another worker in Hunan, again, Yueyang City in Hunan, organizer of the Workers Autonomous Federation, was sentenced to 15 years—same charge, hooliganism.

A 39-year-old lecturer in the Comparative Literature Department at the Language Institute in Beijing was sentenced in 1995 to 20 years in Prison No. 2 for organizing and leading a counterrevolutionary group, and for committing counterrevolutionary propaganda and incitement.

A 30-year-old medical researcher in the Department of Psychiatry at Beijing's Anding Hospital was sentenced to 17 years in Prison No. 2 in Beijing for organizing and leading a counter-revolutionary group.

A 40-year-old worker at a chemicals accelerator fluid plant in Beijing was sentenced to 13 years in Prison No. 2 for organizing and leading a counter-revolutionary group.

Another activist was sentenced to 11 years in prison for organizing and leading a counter-revolutionary group.

Colleagues, I have other names and other examples. But I think there are several reasons why we should be concerned about the persecution and imprisonment of labor activists in China.

First of all, labor rights, the right to organize, recognized by international law, are a fundamental human right. When men and women have the courage to stand up for justice at the workplace, they ought not be locked up, they ought not be treated like animals, they ought not be serving 10-, 12-, 14-year prison sentences in China, and we should speak up for them.

Labor rights have been recognized in the documents that enshrine the most basic principles of human rights. The Universal Declaration of Human Rights in 1948 states, "Everyone has the right to peaceful assembly and association. Everyone has the right to form and join trade unions for the protection of his"—and I would add "or her"—"interests."

In a speech before the Industrial Relations Research Association in Boston this past January, former World Bank chief economist Joseph Stiglitz laid out an argument that economic development needs to be seen as part of a transformation of society and that workers organizations, the right to form a union, is key to this developmental process.

Do my colleagues know what he was saying? He was saying what we know: Independent unions and the right to form an independent union means you make a better wage; it means you have people who have enough money to consume; it means you are building a middle class; it means you have more economic justice; it means you have more stability. That is what Mr. Stiglitz was trying to say.

I will give my colleagues one more example of this brutality. An April 23, 2000, story in the Washington Post reported:

The number of labor disputes in China has skyrocketed — to more than 120,000 in 1999—as workers, in unprecedented numbers get laid off, are paid late, or not paid at all and feel cheated by corrupt officials who sell state property for a pittance to friends, relatives, and colleagues.

We are talking about unsafe working conditions. We are talking about low wages. We are talking about the fundamental right of workers in China to organize and the compelling need, I believe, for us to support this right.

I will finish in a moment so we can have some votes, although I am anx-

ious to hear whether there is any response. Above and beyond the human rights question, above and beyond the fact that we should not be silent—I have said this for the last several days—above and beyond the fact that we should be willing to speak up and vote for the rights of people to organize independent unions in China, we should not let this Government with impunity put people in prison for 12, 14, or 16 years because they have done nothing more than try to speak up for themselves and form a union so they can make a decent wage and they can support their families.

There is another reason. Senator SARBANES spoke about this on the floor of the Senate the other day. It is this: What we are going to see is not necessarily more exports to China but more investment in China. If we do not speak up for the right of workers to organize in China, China will become the export platform in this new international economy that we talk about, and it will be a magnet for any kind of company that wants to go there that knows it can freely exploit workers, pay workers 3 cents an hour, 10 cents an hour, 6 cents an hour, 20 cents an hour, all of which is happening right now, working people from 8 in the morning until 10 at night with a half an hour, at most, for a break. That is what we are going to see.

I do not know how many Senators will consider this before they vote, but if you do not want to vote for this amendment for human rights for workers in China, vote for this amendment for the people you represent in your own States because I am telling you—and this is just the future I am predicting—that our failure to adopt these amendments, our failure to focus on human rights, our failure to vote on human rights, our failure to vote on religious freedom, our failure to vote on the rights of people to organize and bargain collectively is going to lead to a new international economy where China, with the size of the country and the population, will become a magnet, it will become a low-wage export platform, and the people in your States are going to say to you: Where were you when you were asked to vote for us? Now you are saying to us, Senator, that you want us to compete against people who get paid as little as 3 cents an hour under the most brutal, exploitative labor conditions, and now we are losing our jobs as companies are leaving our States to go to China, and you had a chance to vote for the right for people to organize in China so they could make a decent wage and those workers would not be played off against us, and you didn't vote for it?

My colleagues should vote for this amendment because a vote for this amendment is not only a vote for human rights in China, not only a vote for the right of people to organize in China, but, most important of all, what this amendment is really about is simply saying to the President, before

going forward with normal trade relations with China, at least—and I want to read this again—at the very minimum, the President needs to certify China has provided a full accounting of these activists who are detained or imprisoned for their labor activities.

That is all the amendment asks, and China can show it is making substantial progress in releasing these activists from prison. That is what this amendment is about.

In a broader sense, this amendment is also about the right of people to organize and bargain collectively, and this is an amendment that says why should the people we represent in our States be put in a situation where they lose their jobs and where our communities lose businesses that go to China because they know they can pay miserably low wages, where people wind up in prison if they should dare get a better job, where they can actually export products made with prison labor, and we are not voting for amendments that give the people we represent in our own States some comfort that they themselves are not going to lose their jobs because of these absolutely brutal working conditions.

I do not think it is too much to vote for an amendment that asks for only one little piece of this. We will delay the effective date of PNTR until the President can certify that the Chinese Government has provided a full accounting of those people who have been detained or imprisoned for doing nothing more than trying to organize or trying to stand up for themselves and their families, and some accounting that this Government is releasing these innocent men and women from prison who have done nothing more than protest deplorable working conditions or tried to form an independent union. That is what this amendment is about.

I conclude this way, which is the way this debate started. We are forever being told that we live in a global economy, and that is true. For some reason, too many of my colleagues do not want to recognize the implications of this. For me, if we are now working and living in a global economy, that means if we are truly concerned about human rights, we can no longer just concern ourselves with human rights at home.

If we are truly concerned about religious freedom, we can no longer only concern ourselves with religious freedom at home. If we are truly concerned about the right of workers to organize and bargain collectively, and earn a better living for themselves and their families, then we can no longer concern ourselves with labor rights only at home. If we are truly concerned about the environment, we can no longer concern ourselves with the environment only at home.

I will say it one final time: The men and women in this world, who have been engaged in human rights issues, have long understood an essential, basic truth which is this: Americans,

Senators can never be indifferent to the desperate circumstances of exploited and abused people in the far reaches of the globe. When the most basic human rights and basic freedoms of others are infringed or endangered, we are diminished by our failure to speak out.

This amendment is a test case of whether or not we are willing to speak out. I say to my colleagues, since this is my last amendment, I believe we have made a big mistake—we will see what history shows us—in the rush to pass this piece of legislation. I think we have made a mistake because I believe the consequences, over the next 2, 3, 4, 5, 6, 7, 8, 9, 10 years will be very harsh.

I believe the economics in this global economy we are all talking about will become a major axis of American politics. I believe the people that we represent are going to want to know where each of us stood. I believe we should have been making the effort to make sure this new global economy—with China being such a major actor—would be an economy not only working for big multinational corporations and big financial institutions, which I know are very interested in passing this, but it would also be a global economy that works for working people, a global economy that works for human rights, a global economy that works for children, a global economy that works for the environment.

I will say—and I am sorry because none of us can be sure we are right; and I understand that—I have not, in the course of this debate, seen very many Senators come out and present any empirical evidence to the contrary of what I have had to say about these basic rights of people. Why is it that we just turn our gaze away from this? I do not understand it.

I also think we have made a mistake in another way, I say to the Presiding Officer. I think we have made a mistake in the stampede to pass this legislation, in this rush to passage, in this argument that we dare not even pass an amendment. Even if it deals with the right of people to practice their religion, even if it puts the U.S. Senate and our country and our Government on the side of human rights, we cannot do that because then it would go to conference committee. I do not understand that argument, not when you think about what the stakes are, not when you think about this in personal terms.

Whatever happened to the voice of the Senate? Whatever happened to the strong clarion call for the Government of China, and all governments in the world, to respect the human rights of their citizens? Whatever happened to our justice voice? Whatever happened to our human rights voice? Why were these concerns trumped by this headlong stampede and rush to pass this legislation?

I conclude my remarks this way: We will see what happens in the future.

I thank my colleagues for their graciousness. I hope Senators will vote for this amendment.

I yield the floor.

(Disturbance in the galleries.)

The PRESIDING OFFICER. The galleries are advised not to show any type of approval or disapproval.

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment. I do not intend to address the merits of his proposal as a matter of U.S. labor law. Rather, my point is a far simpler one.

The current business of this body is a bill to normalize our trade relationship with China. This amendment simply does not belong on H.R. 4444 and has nothing to do with China's trade status under our law.

But, the price of adopting the amendment could be very high for every working man and woman in the United States. The reason is that the amendment could result in delay or defeat of PNTR and the grant of PNTR is the one step we absolutely must take to ensure that American workers, together with American farmers and American businesses, reap the benefits of China's market access commitments under the WTO.

What we would be sacrificing is, according to independent economic analysis, \$13 billion in additional U.S. export sales annually. Expanding our export sales, as has been reiterated a number of times already in this debate, creates new jobs. And I point out, jobs in U.S. export sectors pay 15 percent more and provide 32 percent more in benefits than average.

What that means in practical terms is that the passage of PNTR and the exports we expect to expand under the WTO agreement with the Chinese provide real, tangible benefits to workers in American society.

I ask, as a consequence, that my colleagues join me in opposing the proposed amendment.

I ask the Senator from Minnesota, are you ready to yield back time?

Mr. WELLSTONE. I have a very quick response to my colleague.

Mr. President, I ask unanimous consent that an article in the Washington Post, dated January 11, 2000, entitled "No Workers' Paradise" be printed in the RECORD.

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

[From the Washington Post, Jan. 11, 2000]

NO WORKERS' PARADISE

(By John Pomfret)

SHENZHEN, CHINA—Fei Mingli, a slight teenager from Sichuan province, came to this bustling Chinese factory town in 1998 to seek her fortune in a textile factory, cranking out bluejeans and tank tops for the Western world. Sometime after midnight July 22, she went out for a walk.

Dogs patrolling the factory grounds attacked the 17-year-old, breaking her right leg and ripping chunks from her nose, head and elbows. Fei had violated a company rule that ordered all workers locked in their dormitories by midnight. She was hospitalized for 62 days.

When her father came to Shenzhen asking for compensation, the factory bosses added insult to her injuries by firing the girl and paying only medical expenses.

Fei's case could have sunk into the oblivion of hundreds of thousands of others like hers in China, where workers' rights are routinely sacrificed at the altar of economic development. But Fei and her father beat a path to a man who has become famous for standing up for workers in a country with one of the worst occupational safety records in the world.

Lawyer Zhou Litai took the case, and late last year, after proving that the factory did not have a dog permit and that there had been six similar attacks since 1994, he won Fei a \$6,000 settlement—a big chunk of change in a country where millions of laborers barely clear \$1,000 a year.

"Lawyer Zhou is a good man," said Fei Zhongming, Mingli's father. "Without him, we would have had nothing. He won justice for us."

China once advertised itself as a socialist workers' paradise. But in its mad rush to become a modern industrialized nation in the 20 years since economic reforms opened doors to the West, China's cutthroat system has victimized average laborers. With China preparing to enter the World Trade Organization, the United States and other advanced nations have pushed for some type of binding international labor standards; this was one of the issues behind demonstrations during the WTO's meeting in Seattle in November. But China and other developing countries have opposed such standards.

In the first nine months of last year, 3,464 miners died in China—about the same as 1998—one of the worst rates per ton of minerals mined in the world. The only place where official statistics have been released for industrial accidents is Shenzhen. In 1998, 12,189 workers were seriously injured and 80 died in industrial accidents in its 9,582 factories, although the real number is believed to be much higher.

More than 90 percent of those injured lost a limb. Statistics from the state hospital in Shenzhen's Bao'an county tell a gruesome tale. In the hospital's Building 7, 47 patients have lost hands; in Building 6, 21 patients have third-degree burns; in Building 5, 42 patients have lost legs.

After a ferry sank in November, killing 280 people, China's Communist Party leadership called for a nationwide workplace safety inspection campaign and acknowledged that despite years of hand-wringing about the importance of safety, serious health and safety hazards remain.

"Since 1980, labor standards in China have gotten worse," said Anita Chan, a senior research fellow of the Australian Research Council and an expert on China's labor issues. "In the state sector, workers are losing their jobs, so labor standards are almost as bad as foreign-funded or private-sector factories in inland provinces. . . . As for foreign-funded factories, exploitation and abuses have not diminished in the 1990s. If anything, because of the Asian economic crisis, it has gotten worse."

Attempts by workers to seek help from the government usually end in failure. The Communist government only allows one union to exist—the All-China Federation of Trade Unions—and it has crushed any attempt to organize independent unions. The ACFTU is generally viewed as a mouthpiece for the Communist Party, although in recent years it has fought quietly against some policies and laws that are clearly antilabor.

Born in Sichuan 42 years ago, Zhou was yanked out of school by his parents in third grade and put to work on the land. When he was 17, his father sent him to the forbidding

Tibetan plateau as a soldier. He served for five years in some of the harshest conditions on earth.

In 1979, he returned to Sichuan but again had to leave home because his family was too poor to feed him. Zhou found work in a brick factory in Hunan province, making a few dollars a month lugging 220-pound bags of coal and handling scalding bricks that singed the skin off his hands, arms and chest.

"It was normal for the factory not to pay the workers," Zhou recalled. "People were fired for nothing. People were beaten. It was bad."

A friend encouraged Zhou to learn a skill. He took to law, perhaps, he said, because he was infuriated by the exploitation around him. In 1986, he set up shop in Kaixian, his home town, in a poor county close to the smoky metropolis of Chongqing.

Ten years later, Zhou took the first case that would catapult him into national prominence but also land him in serious debt. In May 1996, a husband and wife, both workers at the Happy Toy Factory in Shenzhen, were walking on the factory grounds when they were killed by a delivery truck. The factory denied responsibility for their deaths, leaving the couple's three young children and their aging parents penniless.

The grandparents and the children were living in Sichuan—source for most of the cheap labor that has driven the economic miracle along China's eastern coast. They came to Zhou as a last resort. No lawyer in Shenzhen would take such cases because local governments had warned them against "affecting the investment environment," Zhou said.

As an outsider, Zhou could run a risk. He sued the Happy Toy Factory and won \$40,000—marking the first time in Communist China that a court had ordered a factory to pay damages to the family of deceased workers.

Zhou's experience in Shenzhen, meeting maimed workers with tales of exploitation, 18-hour shifts, dormitory lock-downs, dog attacks and decrepit machinery, convinced him that his life's work lay not in Sichuan, but with the Sichuanese who had come to Shenzhen.

"If you don't protect your workers, it doesn't matter how good your products are," he said. "You are creating a social volcano."

Since the toy factory case, Zhou has filed 200 other lawsuits in courts around Shenzhen. He has won 30; most of the others are still pending. He sometimes works on contingency and also receives donations. Along the way, he has angered the Shenzhen city government, which tried to disbar him in 1997 but lost in court.

In late 1997, Zhou found a house in a rough-and-tumble neighborhood on the outskirts of Shenzhen. Since then, 70 injured workers, out of jobs and penniless, have lived with him.

Running the house has thrown Zhou into debt to the tune of thousands of dollars. It has not helped that some of his guests have skipped town after winning their cases without paying him for room and board.

Most of Zhou's adversaries are factories run by Taiwanese, Hong Kong or South Korean companies, which work on a contract basis for Western firms. He has yet to sue a Japanese or American company, he said, because their labor conditions are better.

Workers in Shenzhen say the most dangerous machine is a mold for plastic products called a piji. One false move and a limb can be crushed by huge metal slabs at pressures varying from 40 to 500 tons.

It was on such a machine that Peng Guangzhong lost his right arm last spring. The factory had failed to buy insurance, so

his employers fired the 20-year-old immediately. Then, because of his injury, Peng's girlfriend dumped him. He attempted suicide. An arbitration committee said the factory should pay him \$4,500. With Zhou's help, Peng sued and won \$21,000 in court.

"Lawyer Zhou saved my life," Peng said. "Without him, I'd be dead."

Mr. WELLSTONE. I will read a couple of paragraphs from the article. This was written by John Pomfret:

China once advertised itself as a socialist workers' paradise. But in its mad rush to become a modern industrialized nation in the 20 years since economic reforms opened doors to the West, China's cutthroat system has victimized average laborers.

Then it goes on to say:

"Since 1980, labor standards in China have gotten worse," said Anita Chan, a senior research fellow of the Australian Research Council and an expert on China's labor issues.

I could go on and on.

I say to my colleague from Delaware, there are three parts to his argument that trouble me. First of all, this amendment has everything in the world to do with what is going on in China. This is not an amendment about labor law reform in the United States. That is an amendment I will bring to the floor at the very beginning of the next Congress. We will have a full debate about the right of people to organize in our country.

This is about China. This is about labor conditions in China. This amendment is about people who have been imprisoned because they have done nothing more than to speak out and protest against working conditions or trying to form a union.

This amendment just says, before the President goes forward, let's certify that China is willing to let these people out of prison, and that we are going to get some certification of some progress in that area. That is all this amendment is about.

The second thing I would say to my colleague from Delaware—we have had some of this discussion before—is that even if I believed he was right—and I think he is wrong—that actually we are going to see more exports that will lead to higher wages for American citizens, I do not believe people in the United States of America would be comfortable with the proposition that is being made on the floor of the Senate, at least by some, that since there is profit to be made, and more money to be made, and maybe more workers will do better in our country—which I will question in a moment—we should, therefore, turn a blind eye, turn our gaze away from these deplorable conditions; that we should not be concerned about the persecution of people who are trying to practice their religion; that we should not be concerned about human rights; that we should not be concerned about people who are imprisoned because they are trying to form a labor union. I do not believe most people in Minnesota or people in the country believe that.

Most people in Minnesota and the country believe these issues should be

of concern to the U.S. Senators. We, after all, are representing people in our Nation. I think it is a very sad day when the United States of America refuses to speak out for human rights in any country.

Indeed, this will be a debate that will go on. What will happen is, given the fact that we have Wal-Marts paying about 13 cents an hour—and I have given examples of companies paying far less—China is going to become the export platform where people know that if they should dare to try to organize a union, they are going to be thrown in prison. So all these multinational corporations have carte blanche approval to go to China, pay hardly anything in wages, have people working under deplorable working conditions, and we are going to lose jobs.

We are not going to see a lot more exports. We will see a lot more investment. What better place to invest for some of the multinational corporations than a country where you know you don't have to worry about paying good wages, you know you don't have to worry about safe working conditions because, if people dare to protest or challenge this for the sake of themselves or their families, they wind up in prison. I see a very different economic future.

I yield back the remainder of my time.

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

VOTE ON AMENDMENT NO. 4128

Mr. ROTH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the Helms amendment No. 4128.

Mr. ROTH. Has all time been yielded back on that?

The PRESIDING OFFICER. All time has expired on the amendment. There are 2 minutes prior to the vote.

Mr. ROTH. Mr. President, I ask unanimous consent to yield back the 2 minutes on both sides.

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

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—43

Abraham	Boxer	Burns
Ashcroft	Breaux	Byrd
Bayh	Bunning	Campbell

Collins	Inhofe	Sessions
Conrad	Jeffords	Shelby
DeWine	Kerry	Smith (NH)
Dodd	Kohl	Snowe
Dorgan	Kyl	Specter
Edwards	Leahy	Thompson
Feingold	McConnell	Thurmond
Gregg	Mikulski	Voinovich
Harkin	Reed	Warner
Helms	Reid	Wellstone
Hollings	Santorum	
Hutchinson	Sarbanes	

NAYS—53

Allard	Fitzgerald	Mack
Baucus	Frist	McCain
Bennett	Graham	Miller
Biden	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Murray
Brownback	Hagel	Nickles
Bryan	Hatch	Robb
Chafee, L.	Hutchison	Roberts
Cleland	Inouye	Rockefeller
Cochran	Johnson	Roth
Craig	Kerrey	Schumer
Crapo	Landrieu	Smith (OR)
Daschle	Lautenberg	Stevens
Domenici	Levin	Thomas
Durbin	Lincoln	Torricelli
Enzi	Lott	Wyden
Feinstein	Lugar	

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4128) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4123

The PRESIDING OFFICER. There are now 2 minutes.

Mr. ROTH. Mr. President, I ask unanimous consent that on the three remaining stacked votes, they be limited to 10 minutes.

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

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, who is going to pay attention if we agree to have 10-minute votes? Does anyone want to take a bet on it? We will not defer to that request. It will still be the same old thing—15 minutes, 20 minutes, 25 minutes, 30 minutes.

I would be embarrassed. I would be embarrassed to keep this Senate waiting on me for a vote. I hope if I am ever out and the time is up, they will call it. They won't hear a peep out of me.

We ought to respect the convenience and inconvenience of our colleagues who are kept waiting here.

I withdraw my objection.

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

Mr. ROTH. Mr. President, I ask unanimous consent that we dispense with the 2 minutes before each of the other amendments on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I object to that.

Mr. LEAHY. I object to that.

The PRESIDING OFFICER. There are 2 minutes equally divided on the Helms amendment No. 4123.

The Senator from Montana is recognized.

Mr. BAUCUS. Might I inquire of the Chair whether they are 15-minute votes or 10-minute votes?

The PRESIDING OFFICER. They are 10-minute votes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time on the Helms amendment?

Mr. ROTH. Mr. President, the Senator yields his and I yield mine. I yield the 2 minutes.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 4123.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), 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 23, nays 73, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—23

Ashcroft	Hollings	Shelby
Byrd	Inhofe	Smith (NH)
Campbell	Jeffords	Snowe
Collins	Kohl	Thompson
Edwards	Lautenberg	Thurmond
Feingold	Mikulski	Torricelli
Hatch	Sarbanes	Wellstone
Helms	Sessions	

NAYS—73

Abraham	Durbin	Mack
Allard	Enzi	McCain
Baucus	Feinstein	McConnell
Bayh	Fitzgerald	Miller
Bennett	Frist	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Robb
Bryan	Harkin	Roberts
Bunning	Hutchinson	Rockefeller
Burns	Hutchison	Roth
Chafee, L.	Inouye	Santorum
Cleland	Johnson	Schumer
Cochran	Kerrey	Smith (OR)
Conrad	Kerry	Specter
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4123) was rejected.

Mr. ROTH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Could the Chair inform the Senate as to how long that 10-minute vote took?

Mr. BYRD. Mr. President, could we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

The last vote took 16 minutes.

Mr. REID. Mr. President, I say, through the Chair to my friend from West Virginia, that I agree with him. I think that if we are going to have 10-minute votes, we should have 10-minute votes. We started these votes at 6 o'clock. It is now quarter to 7. In fact, we started before 6.

I would hope we could stick to the 10-minute limit. People have all kinds of things to do rather than sit around and wait to vote.

Mr. BYRD. Mr. President, may the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

There are now 2 minutes equally divided on the Feingold amendment.

Mr. BYRD. Mr. President, the Chair can see that the Senate is not in order. May we have order.

The PRESIDING OFFICER. Will those Senators having conversations in the well please take them to the Cloakroom.

The pending amendment is the Feingold amendment.

Mr. BYRD. Mr. President, I ask that there be order in the Senate, that staff in the Senate take seats, that staff in the Senate get out of the well.

I thank the Chair.

AMENDMENT NO. 4138

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute.

Mr. FEINGOLD. Mr. President, my amendment is eminently reasonable. This body is considering a bill that is very likely to become law. We have a responsibility to take that bill seriously, to actually examine its contents.

All my amendment will do is, first, require the Congressional-Executive Commission to make recommendations in its report. Secondly, we would require the commission to report to the Senate as well as to the House. Currently, under the bill, the commission reports only to the House International Relations Committee. And third, it will create a mechanism whereby any Member of the Senate can call the commission recommendations up on the floor so that these issues are not the exclusive purview of certain committees.

The amendment will not require the commission to affirmatively approve extension of PNTR. It will not infringe on any Member's right to amend legislation on the floor.

I think it is difficult to argue that this amendment does not improve the commission and the bill. I urge my colleagues to take this process seriously. I urge them to support this amendment.

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 Senator from Delaware has 1 minute.

Mr. ROTH. Mr. President, I oppose the Feingold amendment. Congress would, in effect, once again be asked to vote on China every year regarding the commission's recommendations on a fast-track basis. I believe adoption of this amendment would unnecessarily risk the underlying bill. I urge my colleagues to vote against it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4138. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), 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 18, nays 78, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—18

Byrd	Hollings	Reed
Collins	Hutchinson	Sarbanes
DeWine	Kohl	Smith (NH)
Feingold	Lautenberg	Snowe
Harkin	Leahy	Thompson
Helms	Mikulski	Wellstone

NAYS—78

Abraham	Durbin	Mack
Allard	Edwards	McCain
Ashcroft	Enzi	McConnell
Baucus	Feinstein	Miller
Bayh	Fitzgerald	Moynihan
Bennett	Frist	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grams	Reid
Boxer	Grassley	Robb
Breaux	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bryan	Hatch	Roth
Bunning	Hutchison	Santorum
Burns	Inhofe	Schumer
Campbell	Inouye	Sessions
Chafee, L.	Jeffords	Shelby
Cleland	Johnson	Smith (OR)
Cochran	Kerrey	Specter
Conrad	Kerry	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thurmond
Daschle	Levin	Torricelli
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	Wyden

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4138) was rejected.

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. There are 2 minutes equally divided on the Wellstone amendment.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, may we have order in the Chamber before I start?

The PRESIDING OFFICER (Mr. ROBERTS). The Chamber will come to order.

AMENDMENT NO. 4120

Mr. WELLSTONE. Mr. President, I have cited both the State Department Report on Human Rights and the International Labor Organization report this past year of courageous men and women who have done nothing more than protest deplorable working conditions and try to organize and bargain collectively and are now in prison.

This amendment simply says that PNTR depends upon an accounting from the Chinese Government about these people who are in prison and helps Congress in releasing these people from prison. I say to my colleagues, I believe during this debate we have put human rights concerns aside; we have put the rights of people who practice religion aside. These questions dealing with human rights, whether people are free to practice their religion, or whether people are free to protest deplorable working conditions, are important concerns. Thank you for giving me the opportunity to speak out on these. I hope I will get a good vote.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, this amendment would unilaterally impose conditions on the normalization of our trade relations with China that would backfire by effectively barring access of U.S. companies to the Chinese markets on terms at least as good as other WTO members. The amendment would also eliminate the positive force that American companies can play in the Chinese market by potentially leading to the delay in PNTR and cutting off the benefit of China's market access commitment for U.S. firms.

The amendment would have the perverse effect of narrowing the private sector in China in which some limited organizing is permitted. The point of this bill is to level the playing field between the United States and China, all of which would be forfeited if this amendment passes and becomes law.

I yield the remainder of my time.

Mr. WELLSTONE. 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 No. 4120.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), 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 22, nays 74, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—22

Ashcroft	Harkin	Sarbanes
Bayh	Helms	Smith (NH)
Boxer	Hollings	Snowe
Byrd	Hutchinson	Specter
Collins	Inhofe	Torricelli
Dorgan	Leahy	Wellstone
Feingold	Mikulski	
Gregg	Reed	

NAYS—74

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

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4120) was rejected.

Mr. ROTH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, with the consent of my friend from Delaware, the manager of this bill, I ask unanimous consent, upon disposition of H.R. 4444, the Senate proceed to the consideration of Calendar No. 152, H.R. 1259, the Social Security lockbox bill, and that it be considered under the following time limitation: 2 hours for debate on the bill equally divided between the managers; that Senator CONRAD have a Social Security-Medicare lockbox amendment; that Senator GRAHAM of Florida have a Medicare prescription drug amendment; that other relevant first-degree amendments be in order; and that relevant second-degree amendments be in order.

Mr. CRAIG. I object.

The PRESIDING OFFICER. An objection is heard.

The distinguished Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I ask consent that time on all remaining first-degree amendments be limited to no more than 1 hour, to be equally divided in the usual form, and that no second-degree amendments be in order prior to the vote, and limited to the ones described below. I further ask consent that following these amendments in the allotted time specified below, the bill be advanced to third reading and passage occur, all without any intervening action or debate. I also ask that