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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, September 18, 2000, at 12:30 p.m.

Senate

FRIDAY, SEPTEMBER 15, 2000

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

The Psalmist draws our minds and hearts to God:

O Lord, our Lord, how excellent is Your name in all the earth. What is man that You are mindful of him and the son of man that You visit him? You have created him a little lower than the angels and crowned him with glory and honor. You have given him dominion over the work of Your hands.—Psalm 8.

Gracious God, ultimate Sovereign of this Nation and Lord of our lives, we are stunned again by Your majesty and the magnitude of the delegated dominion You have entrusted to us. We respond with awe and wonder and with renewed commitment to be servant leaders. In a culture that often denies Your sovereignty and worships at the throne of the perpendicular pronoun, help us to exemplify the greatness of servanthood. You have given us a life full of opportunities to serve, freed us from self-serving aggrandizement, and enabled us to live at full potential for Your glory. We humble ourselves before You and acknowledge that we could not breathe a breath, think a thought, make a sound decision, or press on to excellence without Your power. By Your appointment we are here doing the work You have given us to do, called to serve this great Nation. You alone are the one we seek to please. We have been blessed to be a blessing. Grant us grace and courage to

give ourselves away to You and to others with whom we are privileged to work in the great Senate family. In Your holy name, Amen.

PLEDGE OF ALLEGIANCE

The Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). The Senator from Arkansas is recognized.

SCHEDULE

Mr. HUTCHINSON. Today the Senate will resume consideration of H.R. 4444, the China PNTR legislation. All amendments have been disposed of, and therefore the bill is open for general debate only. Those Senators who are interested in making statements as in morning business are also encouraged to come to the floor during today's session.

Mr. President, as previously announced, there will be no votes today or during Monday's session. The first vote of next week will be final passage of the PNTR legislation at 2:15 on Tuesday.

I ask unanimous consent Senator CRAIG be recognized for up to 30 min-

utes as in morning business at some point today and that on Monday at 2 p.m. the Senate resume consideration of H.R. 4444.

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

Mr. HUTCHINSON. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MEASURE PLACED ON THE CALENDAR—S. 3046

Mr. HUTCHINSON. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3046) to amend title 11 of the United States Code, and for other purposes.

Mr. HUTCHINSON. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

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

The PRESIDING OFFICER. Under the previous order, the Senate will now

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



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resume consideration of H.R. 4444, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework of relations between the United States and the People's Republic of China.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I would like to make a few comments on the legislation pending before the Senate on the permanent normal trade relations status for China. As announced, we will be having the final vote on this legislation on Tuesday. We had an extended debate on this issue. I think it has been a healthy debate and a good debate for the American people. As I announced earlier, we have disposed of all amendments. We have had amendments on almost every conceivable subject, everything from the environment to labor issues in China, to abortion issues. Of course, none of those amendments, I think, has received more than 33, 34 votes. It is clear this legislation is going to pass and is going to pass overwhelmingly.

Historically, every time there was a vote in the House of Representatives, when I served in the House, and on the occasions in which there were sense of the Senates, I have voted against granting annual most-favored-nation status to China, that which we now call normal trade relations. I want to explain my thinking on this issue.

On May 24, 2000, as the House of Representatives approved permanent normal trade relations status for China, Pastor Wang Li Gong celebrated his 34th birthday by sewing footballs in a forced labor camp in Tianjing. His hands are injured, and they bleed every day because of the work. When Pastor Wang is not trying to fulfill high production quotas, he is allowed only a few hours of sleep and many more hours of torture. He has been under administrative detention since last November for the crime of organizing a Christian gathering in his home.

But Pastor Wang is not the only target of persecution. In its annual report on human rights, our State Department documents just about every violation of international norms in China. Religious persecution to crackdowns on political dissent, to torture, to forced labor, to trafficking of women and children—it is all happening in China. It is not getting better. At least, if you view it in terms of the last few years, if you go back to the Cultural Revolution, you can find there have been fits and starts of improvement, but as you look at the State Department's reports over the last few years, the situation is not improving.

In the area of religious persecution, the State Department, in its Annual Report on International Religious Freedom, notes:

The Government's respect for religious freedom deteriorated markedly, especially

for the Falun Gong and Tibetan Buddhists, and the Government's repression and abuses continue during the first 6 months of 2000.

That is, of course, as far as the report extends, is the first 6 months of this year. Its conclusion is:

Respect for religious freedom deteriorated markedly.

At the very time the House of Representatives was voting for PNTR, and during the process by which that debate has gone on in the Senate, the conclusion of our own Government is that "religious freedom has deteriorated markedly."

The report goes on to note that:

The Standing Committee of the National People's Congress adopted a decision to ban "cults," including the Falun Gong and other religious groups.

At the time the Chinese People's Congress adopted that law banning religious cults, I expressed concern to my colleagues in the Senate that this new law would be very broadly applied. It is bad enough to give a government the power to define what is a cult and what is not, what is acceptable religious belief and what is not acceptable religious belief, but this crackdown was unprecedented. There had been serious crackdowns in the past. At that time, I introduced a resolution in this Senate expressing my concern and the concern of the Congress that this crackdown, this harsh crackdown on the Falun Gong, would only be a beginning. I predicted the so-called cult law would be widely applied.

My worst fears have come true. The law has been applied extremely broadly to other groups, including Christians. On August 23, 2000, Chinese police arrested 130 Christians in Henan Province. These Christians are from the Fangcheng church, a popular house church movement. The Chinese Government considers them a cult, not because of what they believe, not because of their teachings, but because they are not registered with the State; they are not under the control of the Chinese Government. Their leaders, arrested a year ago, are suffering for their faith in labor camps, a penalty under the so-called anti-cult law.

The proponents of PNTR have argued that, No. 1, increased trade will result not only in an increased export of American products to China but also in the export of American values, including human rights and individual freedom.

No. 2, they have asserted that the failure to grant PNTR would result in isolating China and driving the Chinese regime to even more repressive tactics.

No. 3, they have insisted that entry into the WTO will ensure that Chinese misbehavior can be addressed and that Chinese violations would be dealt with under the World Trade Organization.

No. 4, they have further asserted that the creation of a human rights monitoring commission in this legislation will guarantee the ongoing monitoring of human rights conditions in China.

In my opinion, these arguments have merit. Also, the advocates of PNTR

are, in my opinion, sincere. I would never question their motivations. I would never question that, in fact, they believe in all sincerity that this is a better route or a real route to improving human rights conditions in China.

I very much want to vote for permanent normal trade relations for China. It will have great economic benefits in the United States; potentially it does. It certainly has great economic benefits to the State of Arkansas. Arkansas is the No. 1 rice-producing State in the Nation. We are looking for markets. We want to sell that rice, whether it is in China, whether it is in Cuba, or wherever it is in the world.

Some have analyzed the cotton industry will be the biggest beneficiary under PNTR. Arkansas is in the top tier of States in the production of cotton.

Arkansas is the leading State in poultry production. When I visited China and went to the two Wal-Marts that are in China today—a Sam's store and a Wal-Mart—I was surprised to see the No. 1 product being sold is chicken feet. It is a delicacy, a speciality in China. We in Arkansas grow poultry. We want to make every use of it, and China is a good market for it. We have major retailers in Arkansas, and the prospects of new markets emerging in China are very appealing to retailers.

I very much wanted to vote for this bill. It is in many ways in the economic interest of Arkansas to see this go forward and, in fact, it is going to pass.

In addition, the human rights community, while generally opposing PNTR, is not of one voice. It is not of a monolithic opinion. Not everybody in the human rights community believes that PNTR should go down. Some, in fact, accept these arguments as being meritorious, that increased trade will bring about liberalization in China, greater democratization, and eventually improvement in human rights. Good people can and do disagree. That is the case when it comes to whether or not China should receive from us permanent normal trade relations.

I hope and pray the arguments that have been made by the PNTR proponents are all realized, that they are right on every point. I hope when they express their conviction that the best way to improve human rights in China is to see increased contact with the outside world, to see increased trade, to be exposed to new ideas, to see an expansion of the Internet, that all of those arguments are realized and realized soon, not in the long term but in the short term.

We may eventually see political liberalization in China. I think we will in the long term. But we should not assume PNTR or the WTO will be the main driver of this change. While we hope for change in the long run, I do not believe we can remain silent about Chinese abuses in the short run. We must not ignore the lessons of history.

I listened with great interest to much of the debate on the floor over the last 2 weeks, particularly the distinguished Senator from New York, in whom I have the greatest admiration and respect for his scholarship and his mind, as he went through some of the historic lessons of China and talked of improvements in China's human rights record. In one sense, that is certainly true. It is better now than it was during the Cultural Revolution, but let's not be selective in our recounting of recent Chinese history.

During the winter months of 1978 and 1979, thousands of people in Beijing posted their written complaints and protests about the ills of China on a stretch of blank wall on Chang'an Avenue. This voice of protest, which became known as the democracy wall movement, was muzzled as the Chinese Government imprisoned its leaders such as Wei Jingsheng.

That same year of the crackdown on the democracy wall movement, the U.S. established diplomatic relations with China and signed a bilateral trade agreement. Deng Xiaoping introduced a series of economic and legal reforms, and international protests against repression in China were drowned out by the promise of free-market initiatives. Twenty-one years since the United States signed a bilateral trade agreement with China, we have only seen increasing political repression and religious persecution.

Harvard professor Dani Rodrik expressed this sentiment when he said:

I would not assume, as many advocates of normalized trade relations with China have done, that expanded trade will necessarily produce greater democracy. . . . If the Chinese leadership is truly interested in democratization, they do not need the World Trade Organization to help them achieve it. . . . There are no human rights prerequisites for WTO membership. Even if the Chinese Government were to become more repressive, existing WTO rules would not allow the U.S. and other countries to withdraw trade privileges. The pressure would have to be applied outside the WTO context.

What he is saying is if we cede the main tool we have for applying this pressure, which has been the annual MFN debate, by passing the PNTR package, we are left with a toothless Levin-Bereuter commission. This commission proposal, which is included in the PNTR package we will be voting on, has been sold as a Helsinki Commission for China. As a Helsinki Commissioner, I know this proposed commission lacks a cornerstone, the Helsinki Final Act, which commits OSCE member nations to certain human rights standards. Without that foundation, we will simply be duplicating the efforts of the U.S. State Department's Bureau of Democracy, Human Rights, and Labor, and we will find out from this commission what we already know: Human rights in China are and at least for the foreseeable future will remain deplorable.

It would be wrong for me not to recognize the economic arguments for

granting PNTR to China, and I have tried to acknowledge that. I believe business and agriculture can determine their best interests, but here, too, we should recognize that inflated expectations could quickly be punctured by an unruly China. For all the anticipation and excitement in the business community over PNTR, we will face a recalcitrant trading partner in China at the WTO. We will see the dispute settlement system and the very functioning of the WTO put to a great test.

In the final analysis, though I know PNTR is going to pass and though I realize there are going to be some very significant economic benefits to our country, and while I hope the best face and the great expectations that have been propounded for this legislation will be realized, I have concluded that I must vote no on this because the words in the most recent State Department report on China keep echoing in my ears: "The Government's respect for religious freedom deteriorated markedly." It is the most recent report—and I cannot escape the judgment that it has not gotten better—that the conditions in China have deteriorated markedly.

In ancient Rome, the Roman Government did not really care what Roman citizens believed. They did not care what their religious faith was or necessarily if they even had a religious faith. What they did care about was the supremacy of the Roman Government over its people and over all religions. Effectively, they said to their citizens: You can believe anything you want so long as you will affirm that Caesar is lord. It was not the beliefs of Christians that got them in trouble in the Roman persecutions; it was the fact they would not make that affirmation that the Roman Government was supreme and that Caesar was lord.

It seems to me that is a clear analogy to the conditions in China today. There is religious freedom in China only insofar as every religious group in China will affirm that the Chinese Government is ultimately supreme. To the extent that any religious group defies that ultimate standard, they then face intense persecution.

So for those reasons I will cast a "no" vote. I suspect that there will be 20 to 25 Members who will cast that same vote. I hope for the best outcome for PNTR, but for my own conscience I will cast a "no" vote next week.

Mr. President, I yield the floor.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

Mr. FITZGERALD. Mr. President, I rise today to speak in favor of granting permanent normal trade relations to the People's Republic of China. I support this move not only because of the tremendous economic benefits that will flow to the U.S. economy—and to my home state of Illinois—as a result of Chinese WTO membership; I also support PNTR because I believe that a

China that is engaged with the international community—and which is reforming and privatizing its economy at home—will be a more stable and a more democratic China, with improved human rights at home and a better relationship with its neighbor, Taiwan. PNTR will be an unqualified gain for both the United States and China; we must not allow this bill to fail.

I first remind my fellow Senators of the many and impressive market openings that the Chinese agreed to as a condition for their entry into the World Trade Organization. The concessions won by U.S. negotiators are simply breathtaking:

Average tariffs for U.S. agricultural products will drop from 22% to 17.5% by 2004. For beef, grapes, wine, poultry, and pork, average tariffs will fall from 31.5% to 14.5%. One in every three American acres that is planted is growing food for overseas markets. U.S. farm exports to China last year totaled \$1 billion, making China the eighth largest market for American farmers. And China will account for nearly 40% of all future growth of U.S. farm exports.

Also under the bilateral agreement, average tariffs for U.S. manufactured goods exported to China will fall from 24.6% to 9.4% by 2005.

But even more important than the change in formal trade barriers are the many fundamental market-opening changes that China has agreed to. Under our 1979 agreement with the Chinese—the current foundation for U.S. trade with the China—many nontariff barriers block entry of U.S. goods into China. These barriers consist of import licensing requirements, registration and certification requirements, and arbitrary technical and sanitary standards. Further, U.S. manufacturers that operate in China often are required to transfer technology to Chinese companies, use local materials, and to export a portion of their products abroad. Finally, many of these requirements are unpublished and are imposed arbitrarily. It is difficult for U.S. companies to know what restrictions will apply to their activities.

Under our Bilateral Agreement with the Chinese, China will publish its rules and make them available to U.S. companies. It will eliminate technology-transfer, local-content, and export requirements. And it will impose only safety and sanitary standards that are scientifically based.

China has also agreed to impressive changes in many areas of business where U.S. companies currently are effectively excluded. For example, in the area of:

Distribution rights: U.S. firms currently cannot run their own distribution networks in China. Under the bilateral agreement, U.S. companies for the first time will be allowed to deliver their goods directly to retailers in China.

Retailing: Under the bilateral agreement, U.S. companies will be able to