

House suggest publicly that one of the reasons they don't want to pass the aviation federalization is because some of these folks may be in a union; they may join a union. Are we really so far away already from the events of September 11 that people around here have forgotten that the firemen and the police officers and a lot of the medical technicians and other folks who lost their lives on September 11 were members of a union?

We do an extraordinary insult to that event and to what has happened since by having ideology and politics suddenly come back to prevent us from doing something that almost every person in the industry accepts is the best way to provide the highest level of security to the American people.

I respectfully suggest the best way we can provide a stimulus to this country is not by turning around and putting \$1.4 billion into the coffers of IBM and billions more dollars into the coffers of a whole host of energy companies and other large corporations—not because they are bad, not because we think they don't deserve help in some way or another, they have received a lot of it, but because a stimulus package is supposed to do the most you can not to reward past investments or make up for past mistakes but put money, cash, into the hands of Americans now, to create jobs now in order to turn the economy around.

What we have staring us in the face is a whole set of requirements to make our post offices more secure, to make our trains more secure, to make our airlines more secure, to make countless numbers of components of our health system more capable of responding to the potential of disease. When all of these security needs are staring us in our face, there ought to be a stimulus package that is security-oriented, that has some spending in it that puts people to work now at those tasks we know we have to embrace.

To see this package that came out of the House of Representatives with its extraordinary amount of giveaway, I find it an insult to the purpose of the Congress, to the weight of this moment of history, and to the obligation that we all have to bring security to our country and jobs to our citizens.

I hope we are going to do a better job in the course of the next weeks.

I yield the floor.

#### U.S.-CHINA COOPERATION IN THE WAR ON TERRORISM

Mr. KYL. Mr. President, following the terrorist attacks in New York and Washington, Chinese officials pledged to join the global effort against terrorism. But comments made by Chinese officials following the attacks indicate that they may try to exact policy concessions from the United States in exchange for support for anti-terrorism efforts. For example, according to a Reuters article on September 18, China's Foreign Ministry Spokesman

Zhu Bangzao stated, "The United States has asked China to provide assistance in the fight against terrorism. China, by the same token, has reasons to ask the United States to give its support and understanding in the fight against terrorism and separatists." He went on to discuss the importance of combating Taiwan's independence activists. And more recently—at the Asia-Pacific Economic Cooperation summit in Shanghai—press reports have indicated that China's support is lukewarm at best.

It is my hope that the Chinese government will ultimately choose to offer support in our war effort; however, it is important that as we seek China's assistance, we not lose sight of the myriad concerns that remain regarding the communist regime's failure to abide by internationally recognized norms of behavior—including Beijing's proliferation of technology used to make ballistic missiles and weapons of mass destruction, and military buildup aimed at our long-standing, democratic ally, Taiwan.

The Chinese government's continuing sale of arms and other assistance to many of the countries on the State Department's list of state sponsors of terrorism is of particular concern. Beijing has sold ballistic missile technology to Iran, North Korea, Syria, Libya, and Pakistan. It has sold nuclear technology to Iran and Pakistan. It has sold Iran advanced cruise missiles and aided that country's chemical weapons program. And it has provided technological assistance to Iraq.

We should also keep a close eye on the Chinese military's continued modernization and buildup—the immediate focus of which is to build a military force capable of subduing Taiwan, and capable of defeating it swiftly enough to prevent American intervention. According to the Department of Defense's Annual Report on the Military Power of the People's Republic of China, released in June 2000, "A cross-strait conflict between China and Taiwan involving the United States has emerged as the dominant scenario guiding [the Chinese Army's] force planning, military training, and war preparation."

Amidst China's alarming behavior, on October 17, the Washington Post reported that the Administration was considering a waiver on the sanctions placed on China following the Tiananmen Square crackdown that would have allowed the U.S. sale to China of spare parts for Blackhawk helicopters. Richard Fisher, editor of the China Brief newsletter at the Jamestown Foundation, addressed that possibility in an op-ed published in the Washington Times on October 21. He stated.

... it is not time to end Tiananmen massacre sanctions on arms sales to China, such as allowing the sale of spare parts for U.S.-made Blackhawk helicopters. The Administration is considering this move to reward China and to allow it to rescue U.S. pilots that may be downed over Afghanistan. China has plenty of good Russian helicopters to do

the job, and it makes no sense to revive military-technology sales to China as it still prepares for war against Taiwan.

The Washington Post later reported that the administration is not planning to waive sanctions that would allow the sale of the helicopter parts. And it is my hope that the United States—in our effort to gain China's support for our war on terrorism—will not consider such a move as long as China fails to live up to its international commitments. As Richard Fisher also stated in his op-ed, "...to qualify as a U.S. ally in the war on terrorism, China must stop lying about its nuclear and missile technology proliferation and prevent states like Pakistan and Iran from fielding nuclear missiles. Also, China must end its economic and military commerce with regimes that assist terrorists, like the Taliban and Iraq. In addition, China must halt its preparations for war against Taiwan, a war that will likely involve U.S. forces."

The past month has seen longtime foes, at least for now, espouse a common goal in America's efforts against terrorism. Scores of nations have taken the side of America in a battle to eradicate terrorists of global reach—but the most populous nation on the globe must truly back its words with actions. Until it does so, Beijing should not be rewarded by any relaxation of U.S. restrictions aimed at curbing the communist regime's unacceptable behavior.

Mr. President, I ask unanimous consent that the full text of that op-ed be included in the CONGRESSIONAL RECORD.

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

[From the Washington Times, Oct. 21, 2001]

LOOKING TO A NON-ALLY IN CHINA

(By Richard Fisher)

While the United States is correct to seek China's assistance in what will be a long war against terrorism, it should harbor no illusions that China will share all of the same goals in this fight, or that China will cease being a longer term adversary.

Yes, Chinese President Jiang Zemin was swift to condemn the Sept. 11 terrorist attacks in the United States, and China has shared some counterterrorism intelligence. And it would be welcome to have Beijing's full cooperation for the many battles ahead. But as he meets Jiang Zemin in Shanghai, President Bush should be mindful that any future Chinese assistance in the war on terror can only be effective if China reverses the aid that it has given to a number of rogue states. For example, should Osama bin Laden or his allies obtain a nuclear weapon in the future, it is likely that many of its components will come via Pakistan or Iran, and could very well carry the stamp "Made in China." China's assistance to Pakistan's nuclear weapons program dates back to the mid-1970s and includes the training of engineers, provision of nuclear-fuel-reprocessing components, and perhaps even the plans to make nuclear weapons. China has sold Pakistan more than 30 of the 180-mile range M-11 ballistic missiles. China has also sold Pakistan the means to build solid-fuel 450-mile-range Shaheen-1 and 1,200-mile-range Shaheen-II missiles.

China has sold Iran nuclear-reactor and nuclear-fuel-reprocessing components and cruise missiles that could conceivably carry a small nuclear device.

For more than a decade the United States has been "engaging" Chinese officials in a repetitive pattern of U.S. complaints, Chinese denials and promises not to proliferate, occasional U.S. slap-on-the-wrist sanctions, but with no definitive cessation of Chinese proliferation. So far, Beijing is correct to question U.S. resolve. It took the Bush administration until August this year to impose some sanctions on Chinese companies selling Shaheen missile parts to Pakistan, a program that likely began early in the Clinton administration, which produced no Shaheen-related sanctions during its two terms.

This failure to stop Chinese proliferation helped fuel the nuclear missile race between India and Pakistan. And as the later weakens under pressure from radical pro-Taliban forces, the danger increases that nuclear weapon technology could fall into the hands of terrorist groups like bin Laden's. But rather than isolate radical Islamic regimes that harbor or aid terrorists, Beijing engages them, too. In recent months, China has been caught red handed helping Saddam Hussein to build new fiber-optic communications networks that will enable his missiles to better shoot down U.S. aircraft. Beginning in late 1998, according to some reports, after they gave Beijing some unexploded U.S. Tomahawk cruise missiles, the Taliban began receiving economic and military aid from China.

The more important subtext is that China engages these regimes because it shares their goal of cutting down U.S. power. And, incredibly, China may be attracted to using their methods as well. Bin Laden himself has a fan club in some quarters of China's People's Liberation Army (PLA). In their 1999 book "Unrestricted Warfare," two PLA political commissars offer praise for the tactics of bin Laden. They note that bin Laden's tactics are legitimate as the tactics that Gen. Norman Schwartzkopf used in the Persian Gulf war. Of bin Laden, they state that the "American military is inadequately prepared to deal with this type of enemy."

While some U.S. analysts downplay "Unrestricted Warfare" as written by officers with no operational authority, it is well known that the PLA is preparing to wage unconventional warfare, especially cyber warfare. Should China attack Taiwan, the PLA would want to shut down the U.S. air transport system.

The PLA now knows this can be done with four groups of terrorists, or perhaps by computer hackers that can enter the U.S. air traffic control system and cause four major airline collisions.

So to qualify as a U.S. ally in the war on terrorism, China must stop lying about its nuclear and missile technology proliferation and prevent states like Pakistan and Iran from fielding nuclear missiles. Also, China must end its economic and military commerce with regimes that assist terrorists, like the Taliban and Iraq. In addition, China must halt its preparations for a war against Taiwan, a war that will very likely involve U.S. forces.

In this regard, it is not time to end Tiananmen massacre sanctions on arms sales to China, such as allowing the sale of spare parts for U.S.-made Blackhawk helicopters. The administration is considering this move to reward China and to allow it to rescue U.S. pilots that may be downed over Afghanistan. China has plenty of good Russian helicopters to do that job, it makes no sense to revive military technology sales to China as it still prepares for war against Taiwan.

In his Sept. 20 speech, Mr. Bush correctly declared that "any nation that continues to

harbor or support terrorism will be regarded by the United States as a hostile regime." China's aid to the Taliban and its continued nuclear proliferation are not friendly actions. The United States should press China to undo all it has done to strengthen the sources of terrorism.

#### DEPARTMENT OF THE INTERIOR APPROPRIATIONS—CONFERENCE REPORT

LYTTON RANCHERIA

Mr. BURNS. Mr. President, would the Chairman agree that the conference sought to address an issue dealing with the exceptional and unique circumstances which led to the enactment of Sec. 819 of P.L. 106-568 with regard to land taken into Federal trust status prior to 1988 for the Lytton Rancheria of California?

Mr. BYRD. Mr. President, the ranking member is correct. In Sec. 128, the Committee recognizes the exceptional and unique circumstances surrounding the enactment of Sec. 819 of P.L. 106-568. The circumstances do not, however, diminish the requirement that the tribe fully comply with the provisions of the Indian Gaming Regulatory Act and in particular, with respect to class III gaming, the compact provisions of Sec. 2710(d) or any relevant Class III gaming procedures. The Committee further recognized that nothing in Sec. 819 of P.L. 106-568 be construed as permitting off-reservation gaming except in strict compliance with the Indian Gaming Regulatory Act.

CLEAN COAL POWER INITIATIVE

Mr. SANTORUM. Mr. President, in the Statement of the Managers accompanying the Interior and Related Agencies Conference Report, there is language on page 117 that sets certain limitations on the types of projects eligible to compete for Clean Coal Power Initiative funds. Specifically, the language states; "Further, all co-production projects must provide at least half of their output in the form of electricity." This language could have the effect of precluding certain innovative co-production projects from competing for the funds appropriated. Can the Chairman explain the intent of this language?

Mr. BYRD. This language was included based on information provided to the Committees that these limitations were consistent with the fiscal year 2001 solicitation. We have since learned that this is not the case. While the draft solicitation contained a minimum threshold for power production, the final solicitation contained no such threshold. We have since consulted with the Department of Energy, and the Department agrees that there should be no minimum threshold for power production in the next solicitation. Because the language in the Statement of Managers was based on inaccurate information, it is my view that this particular language should not apply. Program applicants should keep in mind, however, that improved

electric reliability is the focus of the program. Would my colleague, Senator BURNS, concur?

Mr. BURNS. I concur with the statement of Senator BYRD.

#### DEPARTMENT OF TRANSPORTATION APPROPRIATIONS

Mr. STEVENS. Mr. President, on August 1, the Senate passed its version of H.R. 2299, the fiscal year 2002 Department of Transportation Appropriations Act. The Senate has not yet appointed conferees on this bill, which provides vitally needed funding for aviation, the Coast Guard, highways and rail programs.

A key issue of contention in that bill has been the standards and practices governing highway truck movement between our Nation and Mexico, under the provisions of the North American Free Trade Agreement.

Recently, discussion with the White House have produced a framework for compromise which I believe responds to the concerns for safety and equity voiced by many in the Senate and the other body, and I intend to support this compromise in the conference. It is my hope that the conferees on the bill will proceed along the lines of this proposal to strike a final agreement which will secure support in the Senate, and the signature of the President.

#### AMERICAN COMPANIES DOING BUSINESS IN COLOMBIA

Mr. LEAHY. Mr. President, yesterday, during consideration of the fiscal year 2002 foreign operations, export financing, and related programs appropriations bill, a colloquy between myself and Senator MCCONNELL concerning American companies doing business in Colombia was printed in the Record. That colloquy was incomplete, and should not have been included in the RECORD in that form. Among other things, it omitted a copy of an amendment that Senator MCCONNELL and I had considered offering to the foreign operation bill. Therefore, I ask unanimous consent that our complete colloquy, a well as our proposed amendment, be printed in the RECORD.

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

AMENDMENT NO. —

On page 144, line 3, after the colon insert the following: "Provided further, That of the funds appropriated under this heading for Colombia, \$10,000,000 shall not be obligated or expended until the Government of Colombia resolves outstanding international arbitration decisions which favor United States corporations more than 50 percent owned and controlled by United States citizens:"

Mr. LEAHY. Mr. President, we often hear from American companies whose investments in developing countries have gone sour. That is the risk of doing business, and nobody disputes that. But international arbitration was