Mr. THOMAS. Madam President, I ask unanimous consent I be allowed to speak for 5 or 6 minutes in morning business.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 with Senators permitted to speak for up to 10 minutes each. The time until 10 o'clock shall be under the control of the Democratic leader or his designee; in his absence, the Senator from Wyoming may proceed.

NOMINATION OF KEVIN GOVER TO BE ASSISTANT SECRETARY OF INTERIOR FOR INDIAN AFFAIRS

Mr. THOMAS. Madam President, I rise today as a member of the Senate Indian Affairs Committee to express some concerns that I have about the nomination of Kevin Gover to be the new Assistant Secretary of Interior for Indian Affairs, the head of the BIA, the Bureau of Indian Affairs.

I have consistently taken the position that in my experience the BIA is an agency that is in dire need of serious reform to make it more effective and more responsive to the needs of the tribes that it is established to serve. I therefore have a certain admiration for anyone who is willing to undertake this task, because it is a tough one. It is one that is difficult. Additionally, in this particular case, Mr. Gover's personal qualifications recommend him very highly for this position. He also has a Wyoming connection, which of course I am interested in. Over several years he has represented the Eastern Shoshone Tribe in several legal and legislative matters.

However, it wouldn't come as any surprise to my colleagues on that committee that given William Safire's recent op-ed piece on the Gover nomination in the New York Times, some questions have to be raised and are raised with respect to his nomination. According to the Safire piece, in private practice and representing the Tesuque Pueblo of New Mexico, Mr. Gover was present at one of President Clinton's infamous White House coffees. Soon therefore, the Pueblo made two contributions to the Democratic National Committee totaling $50,000. Some time later, Mr. Gover was nominated for this position.

An examination of the nominee's FBI file leads me to conclude that he committed no illegal acts. I believe at the very least they constitute an appearance of impropriety which should make many of us uncomfortable. I have no argument, of course, with the right of individuals to make political contributions to the party of their choice. That is provided by law and should be. I personally believe, however, it is a little unseemly for tribal governments to do so, to either party. It is no secret that all but two or three tribes in this country have little, if any, extra money to throw around. The overwhelming majority, even with Federal help, can hardly meet the day-to-day needs of their members—needs like shelter, health care, or education. There is a constant press for additional funding for those needs.

When a tribal government can't meet the basic needs of its people, then I seriously question the morality of that government making a political contribution.

Another fact that lends itself to the appearance of impropriety in this case is the special relationship between the tribes and the Federal Government. This relationship is like the relationship between a trustee and beneficiary; the United States has a unique fiduciary responsibility to the tribes and their members. Congress has turned over responsibility for day-to-day regulation of tribal affairs to the executive branch. So I can't think of many circumstances where national campaign contributions—especially to the party of a sitting President—would not carry with them the appearance of impropriety, an appearance of unseemly influence—the idea of a beneficiary influencing the trustee in its work.

And what about the appearance of a government body representing members of different political beliefs—in this case a tribal government—making a monetary contribution to a national political party on behalf of all of its members, whether or not that's their political belief. We prohibit Federal agencies from engaging in any lobbying efforts with taxpayer funds because it would look unseemly. We prohibit unions from making political contributions to one particular party with members' dues. Mr. President, the question might be posed that since it appears that nothing illegal took place in Mr. Gover's case, why all the fuss? My answer, Madam President, is that oftentimes the appearance of impropriety can be just as damning as an actual illegality.

The news these days is full of examples illustrating this conclusion—the subject of Senator THOMPSON's hearings, which just recently ended with credible allegations against Secretary Babbitt that tribal campaign contributions influenced the denial of a gaming license to a Midwestern tribe.

In order to get answers to some of my concerns, I met with Mr. Gover at length on November 4. Our conversation was somewhat reassuring to me, and left me feeling that my argument is not with Mr. Gover, who as far as I can tell at this time did nothing illegal, but with a system that allows tribes to make these kinds of donations.

So, Madam President, should the Gover nomination come to a vote on the floor, I do not plan to object. The BIA has been without leadership for a long time, something that Bureau can ill afford, and Mr. Gover is eminently qualified to lead it. But he can be sure while I support him, I and other Members will be watching closely to make sure he delivers on his promises to reform the Bureau, to make it more responsible and cost efficient, and to help untangle the present mess in Indian gaming.

Madam President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS], is recognized.

AFTER THE SUMMIT

Mr. BAUCUS. Madam President, I rise to discuss the state visit of Chinese President Jiang Zemin to the United States last week.

GOALS OF ASIA POLICY

Let me begin with a reminder of our goals in Asia policy. They are:

A peaceful Pacific, open trade, joint work on problems of mutual concern like environmental problems and international crime, and progress toward respect for internationally recognized human rights.

This morning I would like to discuss my view of the results.

ACCOMPLISHMENTS OF SUMMIT

To begin with the positive, I believe this visit will be particularly helpful in the first area—that of ensuring a stable peace in the Pacific. The major elements of our security policy in the region are the United States alliance with Japan; a permanent troop presence in Asia; deterrence of North Korean aggression; a one-China policy coupled with a commitment to help Taiwan ensure its security; and preventing proliferation of nuclear weapons.

We have had a chance to discuss all of these issues in detail with President Jiang and China's senior foreign policy officials. And we have emerged without any serious short-term differences, plus an important agreement on China's part to cease nuclear cooperation with Iran. This will reduce the chances of a crisis in the region, and make peace in the Pacific generally more stable and permanent.

I see this renewed strategic dialogue and understanding of our mutual interest in a peaceful region as the major accomplishment of the visit. I would also note some important specific agreements on a range of issues, including:

In return for China's halt of nuclear cooperation with Iran, we will open up sales of civil nuclear power technology to China; China will enter the Information Technology Agreement, thus eliminating tariffs on a range of high-tech products in which American companies are highly competitive—for example, semiconductors.

The United States will increase our assistance to China's efforts to combat pollution; the United States Justice Department will support efforts to develop the rule of law in China, and the

military services of both countries will make their military-to-military dialogs more intense and frequent.

These are good, constructive agreements that will serve the interest of both countries. It is quite clear, however, that a great deal of work lies ahead. Our goal should not only be to avoid crises and find common ground on areas of concern to both countries, but to solve problems.

Here, we saw relatively little advance in two critical areas, and one is international trade.

TASKS AHEAD: TRADE

Last month, China passed Japan as the source of our largest trade deficit—and this in a year when our deficit with Japan has risen substantially over last year's totals. And the main reason for this deficit is the fact United States exports to China have been flat for 3 years: $11.7 billion last year, $11.7 billion last year, on track for the same this year. During this period, of course, China's economy has grown by about 30 percent.

Our strategy for change has been to encourage China's membership in the World Trade Organization on commercially acceptable grounds.

That is the right strategy. I believe that China should have permanent MFN status when it occurs. But the progress on WTO membership has been so slow this year—even with the incentive of the first United States-China summit since President Bush visited China nearly 9 years ago—that we need to begin thinking about a fall-back option.

That is, China may well have concluded that the status quo is acceptable for the time being—that the price for entering the WTO in terms of trade reform is higher than the price for remaining outside.

If so, we need to change that calculus. I suggest as one possibility that the administration begin to think about self-initiating a broad section 301 case, as the Bush administration did in 1991. This would tackle some of the main trade problems we are focusing on in the WTO accession talks.

This is obviously a less attractive, less cooperative approach than the WTO accession. But we have already waited 8 years for China to make a good WTO offer, and we cannot afford to wait very much longer. We remain very much open to imports from China, while China keeps out our wheat, our manufactures, our services, and all the rest.

It is not fair, and our legitimate complaints about market access cannot be held hostage forever to WTO entry.

HUMAN RIGHTS

The second is human rights.

Since World War II, we have viewed human rights practices within nations as intimately linked to the willingness of governments to use force and coercion outside their borders. We have also seen promotion of human rights as a humanitarian, nonpolitical responsibility that all of us hold.

I agree with both of those considerations. I believe they apply in China as well as in other countries. And I am disappointed by the lack of any significant change in Chinese policy, especially on the political prisoner question, during this summit. As we look to the future, though, I believe we need to remember three things.

First, broad long-term trends in most areas are good. During the past decade, the number of political prisoners in China has fallen from about 5,000 to about 2,500; controls on information in a number of once-sensitive areas like official corruption and workplace abuses have relaxed; and China has taken steps like introducing village elections that have made the political system somewhat more accountable.

Second, we should set limited, achievable goals where we do not see a great deal of progress. These should include freedom for dissidents like Wei Jingsheng and Wang Dan; a clear public accounting of the number of people jailed for strictly political reasons; talks with the Dalai Lama; and so forth. Short of areas like rule of law or parliamentary procedure, in which China is seeking our assistance, human rights policy should not include very broad, ambitious efforts to change the Chinese political system. Such efforts would be seen not as humanitarian in nature, but either as an effort to overthrow the Chinese Government, or more likely a rhetorical policy without much serious content.

And third, human rights is a long-term issue. The keys to success are patience and persistence. We will need to continue raising the cases of individuals held in prison with Chinese officials, continue our work in areas like the U.N. Human Commission on Human Rights next spring. We need to be persistent and don't give up.

THE ROAD FORWARD

In the broader sense, with the summit behind us our next steps in China policy are clear.

We have set a good foundation in the political and security arena. We have done a good job in identifying other areas of mutual interest, from environmental protection to nuclear plant sales to the rule of law. We need to keep at these issues; and we need to work harder in areas like market access and human rights, where this summit brought less than we would have hoped for. And we should avoid reckless steps like broad new sanctions laws which are likely to make things worse rather than better.

On the whole, we are on the right course and we should stay there. Step by step, issue by issue, we are getting the results we should seek in China policy—a stable peace in Asia; fairness in trade; respect for international standards of human rights; and cooperation in areas of mutual interest like the environment. This summit has made a very important contribution to the effort, and I look for it to continue.

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

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNIZING NATIONAL ADOPTION MONTH AND INTERNATIONAL ADOPTION

Mr. SMITH of Oregon. Madam President, I thank the Chair for this opportunity to recognize the month of November as National Adoption Month and to speak on this very important issue—one that is very close to my heart—and is at the very heart of my own family.

As legislators, we work to enact laws to improve and protect the lives of the American people.

However, there are occasions when our policies can hurt the very people we are trying to protect. In this instance, it is our children.

Last year, in my State of Oregon, 221 parents adopted children from foreign countries, including China, Romania, Korea, India, and Thailand.

During that same year, Congress passed the Immigration and Nationality Act that included a provision which, until now, seemed rather innocuous.

But for parents like Gary and Laurie Hunter from Myrtle Creek, OR, who are adopting a daughter from China, it has become a bitter pill in the adoption process.

Simply, the provision requires that all incoming immigrants receive certain immunizations before entering the United States.

While this may seem like a logical public health law, it raises serious concerns about the health and safety of children receiving vaccinations under substandard conditions in foreign countries.

Many of these countries do not practice the same sanitary health conditions as the United States.

For example, some countries lack adequate medical records for children living in orphanages and do not have access to sufficient supplies of sterile needles, creating an even greater risk to the health of young adoptive children entering the United States.

Today, I am proud to be a part of a Senate which has passed legislation, H.R. 2464, to repeal the provision requiring immunizations prior to entry into the United States, and protect the children who have yet to become citizens of this country.

This bill will exempt internationally adopted children 10 years of age or younger from the immunization requirement, and allow parents 30 days to immunize their children.

Importantly, immunization will not occur overseas in an orphanage, or in