Hollings amendment No. 4137, to condition eligibility for risk insurance provided by the Export-Import Bank or the Overseas Private Investment Corporation on certain certifications.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour for closing remarks on the Byrd amendment No. 4131 and division 6 of the Smith amendment No. 4129, with 15 minutes each under the control of the Senator from Delaware, Mr. ROTH; the Senator from New York, Mr. MOYNIHAN; the Senator from West Virginia, Mr. BYRD; and the Senator from New Hampshire, Mr. SMITH.

AMENDMENT NO. 4131

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will speak briefly on my amendment. Then I will yield back the remainder of my time. I want to get to a markup of an appropriations bill by the Subcommittee on VA, HUD and Independent Agencies, of which I am a member.

In simple language, my amendment adds surety for American firms and American workers who are caught up in the confusing process of seeking relief from a surge of unfair imports. The process of getting the U.S. Government to agree with a firm's firsthand judgement that a flood of unfairly dumped imports is undercutting a U.S. manufacturer is complex and time consuming. Language in the House-passed bill is an improvement, but it leaves a serious loophole. The House language provides deadlines for the government and the President to agree or disagree that relief is needed, but if the President fails to meet his deadline for a decision, nothing happens. No relief can be forthcoming until the President acts. And the President might be under other pressures, from the State Department, for instance, warning that an affirmative Presidential decision might upset some other, unrelated negotiation. The State Department is not charged with worrying about the fate of individual U.S. firms. The State Department is not charged with worrying about the fate of steel companies, for example.

But for a firm hanging on by its fingernails, unable to pay its bills or secure needed financing, and for workers unsure when their lay-offs might end and their bills get paid, this uncertainty can be catastrophic. So the Byrd amendment says that if the President fails to act by the appointed deadline, the decision of the ITC will be implemented as though the President had agreed. So firms and workers will know on what date certain they will get their answer. The steel companies will know when they will get their answer. Coal miners will know, because they are affected by steel imports as well. That is what my amendment does. And for those affected firms, and those workers, that is pretty important. They need to know, and their bankers and creditors need to know. They need to be able to plan, and no other concerns should come before them, in my opinion. I've seen too many families suffering when the plant shuts down, too many towns hollowing out and falling into disrepair when people just give up. We need to give our citizens, our firms, an efficient and sure process to seek relief and to get relief when it is warranted.

This is our chance. This is our chance to strike a blow for the steel industry, which is a very important industry in the State represented by the current Presiding Officer. It is a very important industry in my State, exceedingly important. Now is the time to strike a blow for freedom, for the freedom of those men and women who work in these industries, freedom to know when relief is coming. They should not have to wait until a President seeks his own convenient moment. They should know the date. And when that date comes, it should happen. Let's make it happen by my amendment.

I yield back my time 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. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield myself such time as I may use.

Mr. President, I rise in opposition to Senator BYRD's amendment regarding safeguards.

I do so even though I share my colleague's concern regarding the President's utter disregard for statutory deadlines in our trade remedy laws. The President's failure to issue timely decisions in recent section 201 cases was simply unacceptable. Also unacceptable is the President's failure to meet the deadline set for modifying the retaliation list in the bananas dispute at the WTO. This pattern of utter disregard for statutory deadlines simply must stop.

With that said, I must still oppose this amendment for both substantive and procedural reasons.

With regard to substance, it is vitally important for the Finance Committee to be given the opportunity to consider this proposal before it is adopted into law. As I noted yesterday, there are serious flaws in this amendment that could make it unworkable in certain circumstances. It would be reckless to adopt such a significant change to our trade laws without adequate review, particularly given the flaws that are already apparent in what my good friend has proposed.

I am also concerned that we are isolating the Chinese for differential treatment through this proposal. The agreement may not be inconsistent with the U.S.-China bilateral agreement, but it does create a procedure that differs sharply from our other trade remedy programs.

I must also oppose the amendment because of the potential impact that this amendment will have on the passage of PNTR. In my view, a vote for any amendment, including this one, is a vote to kill PNTR.

Mr. President, such a result would be devastating for our workers and farmers. That is why I urge my colleagues to vote against my good friend's amendment.

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. THOMAS. 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. THOMAS. Mr. President I ask unanimous consent to speak in morning business for 10 minutes.

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

CHINA PNTR

Mr. THOMAS. Mr. President, I asked for morning business because I am not sure where we are focused, but I want to continue to talk about PNTR, a topic that I hope we are able to conclude shortly.

Certainly one of the most important issues we have before us is the issue and the way I come to the conclusion. We all talk about the problems that exist. Obviously, there are problems that exist. I serve as chairman of the Subcommittee on East Asian and Pacific Affairs that has dealt over a number of years with the issue of China. I don't think there is a soul here who wouldn't wish things were different there with respect to human rights, some of the issues with respect to proliferation, some of the issues with respect to freedom, and market system changes. I don't think that is the issue. The issue is how we best bring about that change. That is really what it is all about.

Do we do it through threats to the PRC? Do we do it with sanctions? I think people have learned quite a bit in seeking to deal with Cuba with sanctions. It has had very little impact and very little effect. I happened to be in Beijing where we were having the great debate over some of the things that were controversial. They canceled a large order with Boeing. What did they do? They bought Airbuses from France. Sanctions don't work.

I happen to come from a State where we are very interested in agriculture. So we need to do that.

Someone suggested during the course of the discussion over the last couple of days that this bill, if it passed, to grant permanent trade relations would be, in a word, ''rewarding'' China. I don't agree with that. The fact is, we would

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 TREATMENT TO THE PEOPLE'S REPUBLIC 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.