

Protection Act we have offices of consumer affairs in every State. They are independent with ombudsman that can be advocating for people. Family USA has done some fine work on this. It is not just an 800 number for people to call. People need to call a number, there needs to be an office that is there for consumers, where people can say, "I was denied care, what do I do," and you have a skillful person that can be there as an advocate for people.

I am saying to my colleagues, especially my colleagues on the other side of the aisle, I don't know how many days we have left, probably fewer than 50 days or thereabouts. We have to get going on this. We have to get going on this.

We have an important effort on the floor this week, bipartisan effort, which I think reflects some very fine work. But overall we have not been doing a lot. We have not been doing a lot about making sure there is good health care for people. We have not been doing a lot by way of being there for consumers. We have not been doing a lot by way of making sure that children come to school at age 5, kindergarten, knowing the alphabet, knowing colors, shapes and sizes, knowing how to spell their name, having been read to, and ready to learn.

We have not been doing much by way of making sure that we move toward some system of universal health care coverage. There are over 40 million people that are uninsured. There are other families that are paying more than they should pay. There needs to be some income protection for them. What about a package of benefits for every citizen in the country comparable to what we have? What ever happened to the battle cry that we should pass legislation to make sure the people we serve have as good a health care as what we have? What about the strong patient protection?

I have a bill called the Healthy Americans Act, which I am introducing this week, which is a strategy to move toward universal coverage and says to Arkansas, Nebraska or Minnesota, if you agree to the national framework, there will be Federal grant money available to you to reach universal coverage. You decide how you want to contain costs. You decide how you want to deliver the care. We have to move toward that system of care. We haven't done that. We are not there on health care. We are not there on investment in children and education. We are not there on strong consumer protection, and we are not there on a lot of issues that are very important to working families and communities.

This issue of whether or not the U.S. Senate is on the side of big insurance companies or the consumers will be a litmus test for all of us. After we get done with this bill, let's get a lot of this substantive legislation on the floor. My hope is—and I will finish on this—that I won't have to have an amendment calling for a vote on James

Hormel, but rather will bring that to the floor and make sure we do that as well.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

#### THE GROWING THREAT OF CHINA TO THE UNITED STATES

Mr. HUTCHINSON. Madam President, the headlines in last week's newspapers ought to bring pause to this body and to all of us as Americans. The Washington Times, on Friday, had the headline "China Targets Nukes at U.S." The inside part of that article, on a graphic, it says "China's Long-Range Missiles," quoting a CIA report last May that "13 of China's 18 CSS-4 missiles are now targeted at cities in the United States of America."

This report was followed by a report in the Washington Times today, headlined "U.S. Firms Make China More Dangerous: Technology Aid Helps Missiles Reach America." I will say that again. "Technology Aid Helps Missiles Reach America." This was also reported in the New York Times, another major newspaper in the United States. These stories are based on a new CIA report released last week that noted that 13 of China's 18 long-range strategic missiles have single nuclear warheads aimed at U.S. cities. These missiles, with a range of over 8,000 miles, prove convincingly that China views the United States as its most serious adversary. This is further proof, I believe, that the current administration's policy of so-called constructive engagement has failed, and failed terribly, as China continues to go this route, as China continues to take provocative actions and actions that seriously endanger the security of the United States. It is important to note that these missiles are in addition to China's 25 CSS-3 missiles, with ranges of more than 3,400 miles, and its 18 CSS-4 missiles, with ranges exceeding 8,000 miles, and its planned DF-31, with a range exceeding 7,000 miles.

Until last year, China lacked even the intelligence, and certainly they lacked the technology necessary to manufacture boosters that could reliably strike at such long distances. In fact, it is reported that in a launch test of the boosters, their technology failed to launch the boosters three out of five times. That is a 60-percent failure rate. Likewise, they were years from developing the space technology necessary to launch multiple, independently targetable reentry vehicles, otherwise known as MIRVs, multiple warhead missiles. Now they are only years away, if not months, from having such technology.

Some time ago, I participated in a firing-line debate on the campus of the University of Mississippi. During that debate, when the issue of national security was raised, former Secretary of State Henry Kissinger reassured the

audience of thousands, and the nationwide television audience of millions, that we need not be concerned about China's capability to launch missiles that might place American cities at risk. He said, in fact, it would be a couple of decades before China was anywhere near having the technology that could place the United States and American citizens at risk. Well, now we find that because of our own aid, and because of our own technology transfers to China, already we are seeing these missiles targeting American cities, and that this advanced technology is very much now at their disposal.

How did China get this technology? Two U.S. companies—the Loral Space and Communications Company and the Hughes Electronic Company—are under investigation by the State Department following a classified Pentagon report that concluded that the two companies illegally gave China space expertise during cooperation on a Chinese commercial satellite launch. This report concluded that "the United States national security has been harmed."

Here are the details: In 1996, during the course of an investigation of a Chinese rocket carrying a \$200 million Loral satellite, scientists allegedly shared with their Chinese counterparts a report explaining the cause of the accident, which turned out to be an electrical flaw in the flight control system. This system is similar to those used on ICBM launch-guidance systems.

In February, with the investigation of this incident underway, President Clinton permitted Loral to launch another satellite on a Chinese rocket and to provide the Chinese with the same expertise that is at issue in the criminal case, officials have said. A senior official said the administration recognized the sensitivity of the decision but approved the launch because the investigation had reached no conclusions, and Loral had properly handled accident launches. The administration, he said, still could take administrative action against the companies if they were found to have violated export laws in their earlier dealings with the Chinese.

Another company—Motorola—is also involved in upgrading China's missile system. The chairman of the House Science Subcommittee on Space and Technology received word from an unnamed official from Motorola that they, too, have been involved in upgrading China's missile capability. Interestingly, this executive claims the work is being done under a waiver—a waiver granted from the Clinton administration—thus, circumventing all of the bans and restrictions on such technology transfers. This technology was supposed to be controlled, restricted. Madam President, trade in missile and space technology to China was supposed to be severely restricted under the sanctions related to the crackdown of the Tiananmen Square massacre. Unfortunately, this administration has implemented a give-give

strategy of appeasement, which has weakened or eliminated most of these restrictions.

Politics must not supersede national security concerns. Why did this administration make such an incredible and risky decision? Loral has numerous business deals with China. Loral has close ties to the White House. Its chairman and chief executive officer, Bernard Schwartz, was the largest individual contributor to the Democratic National Committee last year. Motorola's involvement and ties with this administration are just now being investigated. This raises serious questions and puts a dark cloud over these dealings, particularly in light of the CIA report indicating China is now targeting American cities.

In addition to legally getting this technology through these waivers from the current administration, China has twice violated its agreement to follow the principles of the missile technology and control regime. Yet, under this administration's policy of appeasement, the administration is asking China to sign on to the missile technology regime. This is like stacking new promises on top of broken promises and then calling it progress. It is important to note that China's inclusion in the missile regime would allow even greater technology transfers to be made, thus, putting more Americans at even greater risk.

Madam President, most importantly, China continues to repress and oppress its own people, in violation of international law. The latest State Department Report on Human Rights in China shows that China is still a major, if not the major, offender of internationally recognized human rights in the world today.

This report from our own State Department notes that China continues to engage in "torture, extrajudicial killings, arbitrary arrest and detention, forced abortion and sterilization, crackdowns on independent Catholic and Protestant bishops and believers, brutal oppression of ethnic minorities and religions in Tibet and Xinjiang and, of course, absolute intolerance of free political speech or free press"—from our State Department report.

These are not new charges. The tragedy is not that we are hearing these charges repeated; the tragedy is that we continue the same policy that has allowed these kinds of repression and repressive practices to exist. We continue along the same line as if everything is fine. Human rights abuses, religious persecution, forced abortion, and slavery are all raised at the staff level, with only token concern expressed by senior officials in this administration.

In addition to this report from the State Department, there are well documented abuses. The U.S. Attorney for the Southern District of New York has indicted two Chinese immigrants for the sale and marketing of human body parts. I raised this allegation at a

speech that I gave at the Fulbright Institute on the campus of the University of Arkansas in Fayetteville, with many visitors there from outside the State of Arkansas, and their disbelief and skepticism was expressed to me that this in fact was factual.

Well, it is factual. It is beyond dispute that two indictments have been brought down regarding the sale of human body parts and harvesting of these body parts from Chinese prisoners with the full cooperation of the Chinese Government, and in some instances U.S. businesses. In this case, U.S. industry is alleged to have provided the Chinese Government with a dialysis machine to assist the harvesting of organs in their prison hospitals.

On the policy of appeasement—the administration calls it "constructive engagement"—I think indisputably today a policy of appeasement to the Chinese Government is obviously failing. According to a report in the Washington Post on Friday titled "U.S.-China Talks Make Little Progress on Summit Agenda," the United States, we find, is getting few concessions from China relating to the inspection of technology that we share with them; we are getting few concessions on limiting proliferation of technology to third-party states like Iran; and we are getting few concessions on the most important issue of all—that of human rights conditions, particularly in Tibet.

As the President prepares to travel to China, as he prepares to continue this policy of so-called "constructive engagement," we find that even as we seek concessions in line with international norms, that we meet a stone wall. Our only token concessions are the release of high-profile prisoners. Despite this very obvious failure, we continue to give, and give under the guise of "constructive engagement."

We have provided key technology that puts our own country at risk. We have set up a hot line that reaches from the White House to China. We have begun assisting China in its efforts to gain membership into the World Trade Organization, even as our balance of trade with China reaches new levels, new highs. Yet we try to orchestrate their efforts to get into the WTO. We dropped our annual push for a resolution condemning China's human rights record at the United Nations. This is something we have done year in and year out. We called upon the United Nations to condemn the abuses that are ongoing in China. This administration has dropped even that kind of symbolic gesture that has been a part of our foreign policy.

We failed to do that in spite of the adoption of the sense-of-the-Senate resolution asking this administration to do that. And we continue to provide China most-favored-nation status. In return for this, we have witnessed the release of three—we have witnessed the release of three—high-profile prisoners of conscience from China's prisons,

three out of the thousands upon thousands of political and religious dissidents currently held in Chinese prisons.

I would suggest to my colleagues in the Senate that we need to immediately respond in two ways. First of all, the Senate should immediately pass the 8 House-passed bills on China, bills that the House of Representatives adopted on huge bipartisan margins, by huge margins last year, usually from 350 votes to 400-plus votes on these various bills, short of denying most-favored-nation status but at least taking targeted measures to tell this repressive government in Beijing that the United States is serious when it announces its concerns about the abuses that are ongoing in China. Eight bills—ten bills passed the House. Two of them we have adopted in the Senate, but eight continue to languish without action.

I asked our majority leader. I talked with him. He has given positive indications that we will bring these eight House bills to the floor for a vote in the U.S. Senate prior to the President's trip to Beijing in June.

These bills include H.R. 2195 regarding slave labor, which passed the House by a vote of 419 to 2. H.R. 2195 was designed to keep slave-labor products out of the United States, authorizing needed funding for genuine enforcement of the ban on slave-labor products, calling upon the President to strengthen international agreements to improve monitoring of slave-labor imports. If it passed by this overwhelming margin in the House, I suspect if we had an opportunity to vote on that in the Senate, it would pass by an equally large margin. It is something we need to do before the President travels to China.

H.R. 967, the "Free the Clergy" bill, which passed the House on November 6 of last year by a 366 to 54 margin: H.R. 967 targets those Communist officials who engage in religious persecution, banning their travel to the United States by prohibiting the expenditure of any U.S. taxpayer dollars in support of their travel and subjecting it to a Presidential waiver allowing them to be denied their visas. I think that is a simple step, a very modest step, that we should, that we must, do to ensure that United States statements of concern about religious persecution in China have some validity—even the denial of visas, travel opportunities, for those officials in China who continue to practice and implement the policy of religious persecution.

H.R. 2570 regarding forced abortions passed the House on November 6, 1997, with a 415-to-1 margin, yet the Senate these many months later has not yet had an opportunity to vote on this bill. This bill, H.R. 2570, targets those Communist officials involved in forced abortion sterilization, banning once again their travel to the United States. I think that, once again, is a very modest move. It is about the most modest

move that we could possibly take regarding Communist government officials who are implementing a policy of forced abortion and sterilizations in China today and prohibiting them from traveling to the United States.

H.R. 2358 on human rights monitors passed the House by a 416-to-5 vote. It would increase six-fold the number of U.S. diplomats at the Beijing Embassy assigned to monitor human rights.

I visited China in January. I know firsthand how short-handed our State Department officials and diplomatic officials are and how limited they are in their ability to monitor the ongoing human rights abuses in China. If we are to have the knowledge, if we as a body are to have the information that we so desperately need, these human rights monitors are needed. In addition, the new law will add at least one human rights monitor to each U.S. consulate in Communist China.

H.R. 2232 on Radio Free Asia passed the House by a 401-to-21 margin and would fund a 24-hour-a-day broadcast throughout Communist China in each of the major dialects spoken in China. This Radio Free Asia bill will allow the truth of freedom to penetrate Communist China. And, in fact, the truth will set them free. And, as we are allowed to give the story of freedom and the story of democracy, the democracy movement, which was so alive almost 9 years ago on Tiananmen Square, will be alive and evident again in China. It passed by an overwhelming margin.

H.R. 2605 on World Bank loans passed the House by a 354-to-59 margin. This bill would direct U.S. representatives at the World Bank to vote against below-market subsidies for Communist China. This is far short of denying MFN. I have heard all of the arguments against denying MFN in China. Indeed, this is not a blunt instrument. This is a very sharp scalpel, a very small instrument that can be used, simply denying subsidized loans by the American taxpayer to the Government of Communist China, which continues to practice these horrendous abuses against their own people.

H.R. 2647, the People's Liberation Army companies, corporations—companies and businesses and enterprises owned and operated by the People's Liberation Army, which passed the House by a vote of 405 to 10, would require the Defense Department, the Justice Department, the FBI, and the CIA to compile a list of known PLA commercial fronts operating in the United States and would authorize the President to monitor, to restrict, and to seize the assets of and ban such PLA companies within the United States.

For my colleagues, I would say these are companies predominantly owned and operated by the military of Communist China. These companies should not be free to operate and to trade freely in the United States. So this would authorize our various agencies—the Defense Department, Justice Department, FBI, CIA, and so forth—to mon-

itor, to provide a list and authorize the President to restrict and seize the assets of such companies.

H.R. 2386, this legislation, passing by a vote of 301 to 116, provides that the United States shall help Taiwan to develop and deploy an effective theater missile defense system. It has been obvious by some of the actions and some of the statements of the Beijing regime that they had designs on free Taiwan. This would simply be a step in ensuring that Taiwan would be able to defend themselves against any overt military action by the mainland Chinese Communist government.

The second step I believe that we should take as a body, the Senate should support the resolution that I introduced on releasing the remaining dissidents in China. Senate Resolution 212, which I introduced on April 22, last month, with six cosponsors, has been referred to the Senate Foreign Relations Committee and expresses the sense of the Senate that at the upcoming United States-China summit the President should demand the release of all persons remaining imprisoned in China and Tibet for political or religious reasons.

I hope that as our President journeys to China these most important issues—human rights, religious persecution, weapons proliferation—would not be relegated to staff level discussions but, in fact, the President himself would elevate them and would ensure that these issues become the primary focus of our relationship with China and that progress on these fronts is directly linked to the trade opportunities that China seeks. This resolution states that in the upcoming proposed summit between President Clinton and President Jiang of China, President Clinton should demand the immediate and unconditional release, consistent with established principles of human rights, of all persons remaining in China and Tibet for political or religious reasons.

It says, secondly, the President should submit a report to Congress as soon as possible after the proposed summit in China concerning his progress in securing the release of persons imprisoned in China and Tibet.

Third, it says one prisoner released into exile does not change the fundamental flaws within the Chinese judicial and penal system.

Fourth, it states that the U.S. policy of granting concessions to the Chinese Government in exchange for the release of high-profile prisoners is an offense to the thousands of dissidents remaining in prison.

I, as all Americans, rejoice and am thrilled at the release of any prisoner of conscience in China. Wang Dan's release, I am glad for that. Wei's release, I am glad for that. But I also know that the release of a handful of well-known dissidents is no substitute for change in the fundamental policy of the Chinese Government, which continues to be one of repression and persecution of those who would raise their

voice for freedom or raise their voice for their own conscience.

And then the resolution states that the President should not offer to lift the sanctions imposed on China after the 1989 crackdown in Tiananmen Square, and those measures should not be reversed until we see substantive and real changes in the policies of the Chinese Government. I am not anti-Chinese. I was thrilled while I was in China to meet scores of individuals in China who are going about their daily lives making a living. I was glad to see the progress in moving toward a market system. I was glad to see the churches that are, though regulated stringently by the government, filled to the brim every Sunday. I was glad to see the Buddhist temples, though, once again, strictly regulated by the government, seeking to operate and continuing to operate. But I was chagrined to see that the government's fundamental policy towards its own people has not changed, that their concept of freedom is not that which is embedded in the founding documents envisioned by our Founding Fathers and appreciated and admired and accepted by the international community all over this world.

This is not a case of the United States seeking to impose its ideas of democracy upon another culture. It, rather, is seeking to have our country, as it always has, reflect in our foreign policy the underlying values of freedom that are not American but are human, that transcend every national boundary, that transcend every culture and society and are fundamental for basic respect of human dignity and human rights.

It is that, I think, President Reagan had in mind when he spoke of this country as a shining city on a hill, a nation that could be admired and respected the world over because of a foreign policy, reflected in its attitude and in its policies toward our neighbors around the world, of fundamental respect for human rights. It was almost 9 years ago when the massacre at Tiananmen occurred—June 8 and June 9, almost 9 years ago. Those students, hundreds of them that were massacred, looked to the United States as its emblem, as its symbol of freedom in the world. It was Lady Liberty that they erected that stood there in Tiananmen Square day after day, week after week, testimony to the desire of Chinese people for greater freedom. Now it is our time to stand with them. It is time for our President as he journeys to China to take this stand forcefully and to elevate this as the primary reason, the primary purpose in his journey to that important nation in the world. And as he is willing to do that, this body will stand with him. I hope, once again, that the Senate will adopt the House-passed bills, that we will adopt the sense of the Senate, and in so doing we will arm the President with the forceful opinion of the American people that fundamental change needs to take

place in the Chinese Communist government in its attitudes and its policies toward its own people.

Madam President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I ask unanimous consent that I be permitted to proceed as if in morning business.

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

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 2030 are located in today's record under "Statements on Introduced Bills and Joint Resolutions.")

#### TELEPHONE PRIVACY ACT

Mr. BUMPERS. Madam President, I recently introduced S. 1968, the Telephone Privacy Act. This bill, which has bipartisan support, has nothing to do with Linda Tripp or anybody else.

I first proposed legislation regarding telephone privacy in 1984 when it was revealed that Charles Wick, who was head of the United States Information Agency, had tape-recorded President Reagan and President Carter and several Cabinet officials 84 times without their knowledge.

Can you remember when you were a kid and you used to listen to telephone conversations? The announcer would call somebody or somebody would call in because they had the answer to a question, and you would hear beeping in the background. In those days, that was a sign that you were being recorded. Somewhere along the line, that practice was discontinued. Today, you can tape-record your very best friend and not tell that friend and hand it to all three networks for use on the evening news and no federal crime has been committed.

Not too long ago, Attorney General Reno testified before the Appropriations Subcommittee on State, Justice, Commerce, on which I sit. At that time, we were working on this bill, and I asked her about it. She said, "Well, Florida already has such a law that makes it a criminal offense to tape-record a conversation without telling somebody."

I said, "How long have they had the law?"

She said, "Since around 1970."

I said, "Were you the prosecutor in Dade County at the time that happened?"

She said she was.

I said, "Well, how did you feel about the bill when it was being debated?"

She said, "I favored it."

As usual, Congress doesn't get the message until after the States have acted—16 States have already enacted legislation almost identical to S. 1968, and here we sit still allowing people to invade our privacy, the most fundamental privacy when people have their guard down the most, by tape-recording conversations which can later be used for any purpose they choose. It is not an offense, and it ought to be.

I hope that some of my colleagues who may be listening will go back and look at my full remarks that were entered in the RECORD at the time I introduced that bill.

#### EXCULPATORY EVIDENCE AND GRAND JURIES

Mr. BUMPERS. Madam President, on a separate matter, I want to inform my colleagues that I am also working on legislation that will require prosecutors, before they ask for an indictment, to also give the grand jury any exculpatory evidence they may possess.

Prosecutors, as I previously outlined in some detail, have such an advantage, such an upper hand. Some of it is legitimate, and some of it is not. As one New York judge said, "A grand jury will indict a ham sandwich" if the prosecutor asked them to.

I had a prosecutor tell me one time, "This is the best grand jury I ever saw; it indicted everybody I asked them to indict." Of course they indicted everybody. They are putty in his hands.

I will just give you an illustration of the kind of case that I am trying to get at.

Let's assume that you are a prosecutor and you are getting ready to ask the grand jury to indict somebody for capital murder. Assume further that all the testimony that has been taken in that case said that the man who pulled the trigger and committed the murder was wearing a green jacket.

Assume further that the prosecutor has had information come to him personally, though it has never been presented to the grand jury, that it was, in fact, a red jacket.

I am making a rather extreme case here, but I ask you, in the spirit of elemental fairness, do you believe that the prosecutor, before he asks somebody to go on trial and possibly end up in the electric chair, is beholden in any way to tell the grand jury of totally exculpatory evidence that he may have in his possession?

There is a Supreme Court decision, the name of which I forget, in which the Supreme Court ruled 5-4 that the prosecutor is absolutely under no compulsion to tell the grand jury of any exculpatory evidence in his possession. If that isn't a betrayal of everything that we Americans believe, including fundamental fairness, if that is not a betrayal of everything I was taught in law school, I cannot think of a more egregious case.

Madam President, one of the reasons we have not had these debates in the past is because the crime rate in this country was soaring. And everybody was in a put-them-in-jail and throw-away-the-key mode. But I wanted my colleagues to stop and just reflect for a moment. God knows, I am not suggesting any guilty person should go free, but you heard that old story: Better that 1,000 guilty people go free than one innocent person be convicted.

I did not do very much criminal trial work when I practiced law. I used to

take maybe one case a year just so I would have to stay boned up on what the Supreme Court had ruled on, mostly rules of evidence and defendants' rights. And, yes, I defended a man one time that in my own mind I felt sure was guilty and the jury acquitted him. That sounds terrible to a lot of people who do not understand the criminal justice system. Everybody is entitled to a trial.

So all I am saying is the crime rates are coming down. People ought to be in a little more circumspect mood about what the Founding Fathers meant. The most important thing I said in my former remarks a moment ago about the bill I am introducing today is that the law is supposed to be a shield as well as a sword. It is supposed to protect the liberty of people in this country as well as to prosecute the guilty. It also has an obligation to defend and free the innocent. So that is all these proposals I am making are calculated to do; keep a firm commitment to our elemental belief in fairness, in the rights of the innocent and, yes, to prosecute and convict the guilty.

Madam President, 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. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Madam President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

#### COMPREHENSIVE TOBACCO LEGISLATION

Mr. DORGAN. Madam President, before I begin talking about an amendment I intend to offer on the piece of legislation we will consider this week dealing with the IRS, let me say that the Congress Daily this afternoon indicates the Senate majority leader says "the compromise tobacco bill developed by Commerce Chairman MCCAIN may not be the base bill considered by the Senate when it takes up the tobacco issue. . ."

I am quoting:

When asked whether he plans to bring the McCain bill to the floor, Lott said: "I am referring to a bill; it could be McCain, a version of McCain, it could be something else."

Again, I was quoting.

I would hope that Senator LOTT, the majority leader, would understand that when the Senate Commerce Committee marks up a piece of legislation and passes it with only one dissenting vote, a piece of legislation that is embraced by Republicans and Democrats in the Senate Commerce Committee, that that would not be work that is discarded as we move to begin consideration of a comprehensive tobacco bill.