

A LONGTIME FRIEND—ALBERT  
McDERMOTT

Mr. STEVENS. Mr. President, it is with a sadness and real heavy heart that I report to the Senate that the former chief counsel of the Appropriations Committee passed away this morning at 7 a.m. at NIH. Albert McDermott was a longtime friend. He and I met during the Eisenhower administration when he was the Assistant Secretary of Labor and I was Assistant Secretary of the Interior.

After having been with the Hotel-Motel Association for some 25 years, I convinced him to join the staff of the Rules Committee when I became the ranking member of that committee. He came on board, as I recall, in about 1991. He was a graduate of Georgetown Law School, a distinguished naval officer in World War II who was in charge of an LCT, landing craft tank, that hit Normandy beach several times, I believe.

He became the chief of staff of the Rules Committee when I became chairman, and then moved to the Governmental Affairs Committee and was chief of staff there. When I became chairman of the Appropriations Committee, I asked him to take on the job of counsel for the Appropriations Committee.

He retired from that position late last year. He was a grand friend, and I shall miss him very much. He was my best man when Catherine and I were married and I was his best man when he married at the age of 70.

He has left behind his beloved wife, and she was a longtime friend. Kriekis is a great friend now of my wife Catherine. She was also very close to my first wife, Ann.

I announce to the Senate that there will be a visitation at Gawler's Funeral Home on Wisconsin Avenue from 7:30 p.m. to 9:30 p.m. on Thursday and a memorial service at 10 a.m. at the Annunciation Church on Massachusetts Avenue in Northwest.

Thank you, Mr. President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, having served on the Rules Committee with Mr. STEVENS, the chairman, I remember him very well. I add my expression of deepest sympathy to his family.

Mr. STEVENS. I thank the Senator.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. WARNER. Mr. President, I have advised the distinguished ranking member of the Armed Services Committee of what I am about to do. Hopefully, this announcement will lend some clarity to the procedural situation we are now in.

AMENDMENT NO. 2737, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator HUTCHINSON, I modify

the pending amendment with the additional text now at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the amendment, add the following:

**TITLE** \_\_\_\_

**SEC. \_\_\_\_ SHORT TITLE.**

This title may be cited as the "Forced Abortion Condemnation Act".

**SEC. \_\_\_\_ FINDINGS.**

Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan "better to have more graves than one more child". Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the "Natal and Health Care Law".

**SEC. \_\_\_\_ DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.**

The Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any national of the People's Republic of China, including

any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

**SEC. \_\_\_\_ WAIVER.**

The President may waive the requirement contained in section \_\_\_\_ with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

This title may be cited as the "Communist China Subsidy Reduction Act of 1998".

**SEC. \_\_\_\_ FINDINGS.**

Congress finds that—

(1) the People's Republic of China has enjoyed ready access to international capital through commercial loans, direct investment, sales of securities, bond sales, and foreign aid;

(2) regarding international commercial lending, the People's Republic of China had \$48,000,000,000 in loans outstanding from private creditors in 1995;

(3) regarding international direct investment, international direct investment in the People's Republic of China from 1993 through 1995 totaled \$97,151,000,000, and in 1996 alone totaled \$47,000,000,000;

(4) regarding investment in Chinese securities, the aggregate value of outstanding Chinese securities currently held by Chinese nationals and foreign persons is \$175,000,000,000, and from 1993 through 1995 foreign persons invested \$10,540,000,000 in Chinese stocks;

(5) regarding investment in Chinese bonds, entities controlled by the Government of the People's Republic of China have issued 75 bonds since 1988, including 36 dollar-denominated bond offerings valued at more than \$6,700,000,000, and the total value of long-term Chinese bonds outstanding as of January 1, 1996, was \$11,709,000,000;

(6) regarding international assistance, the People's Republic of China received almost \$1,000,000,000 in foreign aid grants and an additional \$1,566,000,000 in technical assistance grants from 1993 through 1995, and in 1995 received \$5,540,000,000 in bilateral assistance loans, including concessional aid, export credits, and related assistance; and

(7) regarding international financial institutions—

(A) despite the People's Republic of China's access to international capital and world financial markets, international financial institutions have annually provided it with more than \$4,000,000,000 in loans in recent years, amounting to almost a third of the loan commitments of the Asian Development Bank and 17.1 percent of the loan approvals by the International Bank for Reconstruction and Development in 1995; and

(B) the People's Republic of China borrows more from the International Bank for Reconstruction and Development and the Asian Development Bank than any other country, and loan commitments from those institutions to the People's Republic of China quadrupled from \$1,100,000,000 in 1985 to \$4,300,000,000 by 1995.

**SEC. \_\_\_\_ OPPOSITION OF UNITED STATES TO CONCESSIONAL LOANS TO THE PEOPLE'S REPUBLIC OF CHINA.**

Title XV of the International Financial Institutions Act (22 U.S.C. 2620-2620-1) is amended by adding at the end the following:

**"SEC. 1503. OPPOSITION OF UNITED STATES TO CONCESSIONAL LOANS TO THE PEOPLE'S REPUBLIC OF CHINA.**

"(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Directors at each international financial institution (as defined in section 1702(c)(2) of the International Financial Institutions Act) to use the voice and vote of the United States to oppose the provision by the institution of concessional loans to the People's Republic of China, any citizen or national of the People's Republic of China, or any entity established in the People's Republic of China.

"(b) CONCESSIONAL LOANS DEFINED.—As used in subsection (a), the term 'concessional loans' means loans with highly subsidized interest rates, grace periods for repayment of 5 years or more, and maturities of 20 years or more."

**SEC. \_\_\_\_ PRINCIPLES THAT SHOULD BE ADHERED TO BY ANY UNITED STATES NATIONAL CONDUCTING AN INDUSTRIAL COOPERATION PROJECT IN THE PEOPLE'S REPUBLIC OF CHINA.**

(a) PURPOSE.—It is the purpose of this section to create principles governing the conduct of industrial cooperation projects of United States nationals in the People's Republic of China.

(b) STATEMENT OF PRINCIPLES.—It is the sense of Congress that any United States national conducting an industrial cooperation project in the People's Republic of China should:

(1) Suspend the use of any goods, wares, articles, or merchandise that the United States national has reason to believe were mined, produced, or manufactured, in whole or in part, by convict labor or forced labor, and refuse to use forced labor in the industrial cooperation project.

(2) Seek to ensure that political or religious views, sex, ethnic or national background, involvement in political activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the industrial cooperation project. The United States national should not discriminate in terms or conditions of employment in the industrial cooperation project against persons with past records of arrest or internal exile for nonviolent protest or membership in unofficial organizations committed to non-violence.

(3) Ensure that methods of production used in the industrial cooperation project do not pose an unnecessary physical danger to workers and neighboring populations or property, and that the industrial cooperation project does not unnecessarily risk harm to the surrounding environment; and consult with community leaders regarding environmental protection with respect to the industrial cooperation project.

(4) Strive to establish a private business enterprise when involved in an industrial cooperation project with the Government of the People's Republic of China or other state entity.

(5) Discourage any Chinese military presence on the premises of any industrial cooperation projects which involve dual-use technologies.

(6) Undertake to promote freedom of association and assembly among the employees of the United States national. The United States national should protest any infringe-

ment by the Government of the People's Republic of China of these freedoms to the International Labor Organization's office in Beijing.

(7) Provide the Department of State with information relevant to the Department's efforts to collect information on prisoners for the purposes of the Prisoner Information Registry, and for other purposes.

(8) Discourage or undertake to prevent compulsory political indoctrination programs from taking place on the premises of the industrial cooperation project.

(9) Promote freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media. To this end, the United States national should raise with appropriate authorities of the Government of the People's Republic of China concerns about restrictions on the free flow of information.

(10) Undertake to prevent harassment of workers who, consistent with the United Nations World Population Plan of Action, decide freely and responsibly the number and spacing of their children; and prohibit compulsory population control activities on the premises of the industrial cooperation project.

(c) PROMOTION OF PRINCIPLES BY OTHER NATIONS.—The Secretary of State shall forward a copy of the principles set forth in subsection (b) to the member nations of the Organization for Economic Cooperation and Development and encourage them to promote principles similar to these principles.

(d) REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—Each United States national conducting an industrial cooperation project in the People's Republic of China shall register with the Secretary of State and indicate that the United States national agrees to implement the principles set forth in subsection (b). No fee shall be required for registration under this subsection.

(2) PREFERENCE FOR PARTICIPATION IN TRADE MISSIONS.—The Secretary of Commerce shall consult the register prior to the selection of private sector participants in any form of trade mission to China, and undertake to involve those United States nationals that have registered their adoption of the principles set forth above.

(e) DEFINITIONS.—As used in this section—

(1) the term "industrial cooperation project" refers to a for-profit activity the business operations of which employ more than 25 individuals or have assets greater than \$25,000; and

(2) the term "United States national" means—

(A) a citizen or national of the United States or a permanent resident of the United States; and

(B) a corporation, partnership, or other business association organized under the laws of the United States, any State or territory thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands.

**SEC. \_\_\_\_ PROMOTION OF EDUCATIONAL, CULTURAL, SCIENTIFIC, AGRICULTURAL, MILITARY, LEGAL, POLITICAL, AND ARTISTIC EXCHANGES BETWEEN THE UNITED STATES AND CHINA.**

(a) EXCHANGES BETWEEN THE UNITED STATES AND CHINA.—Agencies of the United States Government which engage in educational, cultural, scientific, agricultural, military, legal, political, and artistic exchanges shall endeavor to initiate or expand such exchange programs with regard to China.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a federally chartered not-for-profit organization should be established to

fund exchanges between the United States and China through private donations.

**SEC. \_\_\_\_ CONGRESSIONAL STATEMENT OF POLICY.**

It is the sense of Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China. As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds. In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals' whereabouts and condition, the charges against them, and sentence imposed. The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government's policy and practice of harassing and repressing religious believers.

**SEC. \_\_\_\_ PROHIBITION ON USE OF FUNDS FOR THE PARTICIPATION OF CERTAIN CHINESE OFFICIALS IN CONFERENCES, EXCHANGES, PROGRAMS, AND ACTIVITIES.**

(a) PROHIBITION.—Notwithstanding any other provision of law, for fiscal years after fiscal year 1997, no funds appropriated or otherwise made available for the Department of State, the United States Information Agency, and the United States Agency for International Development may be used for the purpose of providing travel expenses and per diem for the participation of nationals of the People's Republic of China described in paragraphs (1) and (2) in conferences, exchanges, programs, and activities:

(1) The head or political secretary of any of the following Chinese Government-created or approved organizations:

(A) The Chinese Buddhist Association.

(B) The Chinese Catholic Patriotic Association.

(C) The National Congress of Catholic Representatives.

(D) The Chinese Catholic Bishops' Conference.

(E) The Chinese Protestant "Three Self" Patriotic Movement.

(F) The China Christian Council.

(G) The Chinese Taoist Association.

(H) The Chinese Islamic Association.

(2) Any military or civilian official or employee of the Government of the People's Republic of China who carried out or directed the carrying out of any of the following policies or practices:

(A) Formulating, drafting, or implementing repressive religious policies.

(B) Imprisoning, detaining, or harassing individuals on religious grounds.

(C) Promoting or participating in policies or practices which hinder religious activities or the free expression of religious beliefs.

(b) CERTIFICATION.—

(1) Each Federal agency subject to the prohibition of subsection (a) shall certify in writing to the appropriate congressional committees no later than 120 days after the date of enactment of this Act, and every 90 days thereafter, that it did not pay, either directly or through a contractor or grantee, for travel expenses or per diem of any national of the People's Republic of China described in subsection (a).

(2) Each certification under paragraph (1) shall be supported by the following information:

(A) The name of each employee of any agency of the Government of the People's Republic of China whose travel expenses or

per diem were paid by funds of the reporting agency of the United States Government.

(B) The procedures employed by the reporting agency of the United States Government to ascertain whether each individual under subparagraph (A) did or did not participate in activities described in subsection (a)(2).

(C) The reporting agency's basis for concluding that each individual under subparagraph (A) did not participate in such activities.

(c) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

**SEC. \_\_\_\_ CERTAIN OFFICIALS OF THE PEOPLE'S REPUBLIC OF CHINA INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION.**

(a) REQUIREMENT.—Notwithstanding any other provision of law, any national of the People's Republic of China described in section \_\_\_\_ (a)(2) (except the head of state, the head of government, and cabinet level ministers) shall be ineligible to receive visas and shall be excluded from admission into the United States.

(b) WAIVER.—The President may waive the requirement in subsection (a) with respect to an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees (as defined in section \_\_\_\_ (c)) containing a justification for the waiver.

**SEC. \_\_\_\_ SUNSET PROVISION.**

Sections \_\_\_\_ and \_\_\_\_ shall cease to have effect 4 years after the date of the enactment of this Act.

**SEC. \_\_\_\_ SATELLITE CONTROLS UNDER THE UNITED STATES MUNITIONS LIST.**

(a) CONTROL OF SATELLITES ON THE UNITED STATES MUNITIONS LIST.—Notwithstanding any other provision of law, the export control of satellites and related items on the Commerce Control List of dual-use items in the Export Administration Regulations (15 C.F.R. Part 730 et seq.) on the day before the effective date of this section shall be considered, on or after such date, to be transferred to the United States Munitions List under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(b) REPORT.—Each report to Congress submitted pursuant to section 902(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) to waive the restrictions contained in that Act on the export to the People's Republic of China of United States-origin satellites and defense articles on the United States Munitions List shall be accompanied by a detailed justification setting forth—

(1) a detailed description of all militarily sensitive characteristics integrated within, or associated with, the satellite;

(2) an estimate of the number of United States civilian contract personnel expected to be needed in country to carry out the proposed satellite launch;

(3) a detailed description of—

(A) the United States Government's plan to monitor the proposed satellite launch to ensure that no unauthorized transfer of technology occurs, together with an estimate of the number of officers and employees of the United States Government expected to be needed in country to carry out monitoring of the proposed satellite launch; and

(B) the manner in which the costs of such monitoring shall be borne; and

(4) the reasons why the proposed satellite launch is in the national security interest of the United States, including—

(A) the impact of the proposed export on employment in the United States, including the number of new jobs created in the United States, on a State-by-State basis, as a direct result of the proposed export;

(B) the number of existing jobs in the United States that would be lost, on a State-by-State basis, as a direct result of the proposed export not being licensed;

(C) the impact of the proposed export on the balance of trade between the United States and China and a reduction in the current United States trade deficit with China;

(D) the impact of the proposed export on China's transition from a nonmarket to a market economy and the long-term economic benefit to the United States;

(E) the impact of the proposed export on opening new markets to American-made products through China's purchase of United States-made goods and services not directly related to the proposed export;

(F) the impact of the proposed export on reducing acts, policies, and practices that constitute significant trade barriers to United States exports or foreign direct investment in China by United States nationals;

(G) the increase in the United States overall market share for goods and services in comparison to Japan, France, Germany, the United Kingdom, and Russia;

(H) the impact of the proposed export on China's willingness to modify its commercial and trade laws, practices, and regulations to make American-made goods and services more accessible to that market; and

(I) the impact of the proposed export on China's willingness to reduce formal and informal trade barriers and tariffs, duties, and other fees on American-made goods and services entering China.

(c) NATIONAL SECURITY WAIVER FOR THE EXPORT OF SATELLITES TO CHINA.—Section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 22 U.S.C. 2151 note) is amended by inserting before the period at the end the following: ", except that, in the case of a proposed export of a satellite under subsection (a)(5), on a case-by-case basis, that it is in the national security interests of the United States to do so".

(d) DEFINITIONS.—In this section:

(1) MILITARILY SENSITIVE CHARACTERISTICS.—The term "militarily sensitive characteristics" includes, but is not limited to, antijamming capability, antennas, crosslinks, baseband processing, encryption devices, radiation-hardened devices, propulsion systems, pointing accuracy, or kick motors.

(2) RELATED ITEMS.—The term "related items" means the satellite fuel, ground support equipment, test equipment, payload adapter or interface hardware, replacement parts, and non-embedded solid propellant orbit transfer engines described in the report submitted to Congress by the Department of State on February 6, 1998, pursuant to section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(e) EFFECTIVE DATE.—This section shall take effect 15 days after the date of enactment of this Act.

**SEC. \_\_\_\_ DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY.**

(a) ESTABLISHMENT OF POSITION.—Section 134 of title 10, United States Code, is amended by adding at the end the following:

"(d)(1) There is a Deputy Under Secretary of Defense for Technology Security Policy in the Office of the Under Secretary. The Deputy Under Secretary serves as the Director of the Defense Technology Security Administration.

"(2) The Deputy Under Secretary has only the following duties:

"(A) To supervise activities of the Department of Defense relating to export controls.

"(B) To develop for the Department of Defense policies and positions regarding the appropriate export control policies and procedures that are necessary to protect the national security interests of the United States.

"(3) The Deputy Under Secretary may report directly to the Secretary of Defense on the matters that are within the duties of the Deputy Under Secretary."

(b) IMPLEMENTATION.—The Secretary of Defense shall complete the actions necessary to implement section 134(d) of title 10, United States Code (as added by subsection (a)), not later than 45 days after the date of the enactment of this Act.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the plans of the Secretary for implementing section 134(d) of title 10, United States Code, as added by subsection (a). The report shall include the following:

(1) A description of any organizational changes that are to be made within the Department of Defense to implement the provision.

(2) A description of the role of the Chairman of the Joint Chiefs of Staff in the export control activities of the Department of Defense after the provision is implemented, together with a discussion of how that role compares to the Chairman's role in those activities before the implementation of the provision.

(d) LIMITATION.—Unless specifically authorized and appropriated for such purpose, no funds may be obligated to relocate office space or personnel of the Defense Technology Security Administration.

Mr. WARNER. Mr. President, it will be my intention to move to table this amendment at approximately 11 a.m. tomorrow, Tuesday, June 23. I will be working with Senator LEVIN to reach an agreement as to the exact time. Members will be notified as soon as that time agreement has been reached. In addition, other votes could occur prior to the scheduled weekly recess for our party conferences, which begins at 12:30 p.m. on Tuesday. I thank all colleagues for their attention to this matter.

Mr. President, I hope that while we only have another 50 minutes on the bill prior to business, according to the pending order, that there will be statements and other matters relating to this bill so that we can make as productive use of the time as possible. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend from Virginia for the statement he has made. I know all Members of the Senate will be on notice accordingly.

I take this moment to speak generally to the amendment that is before the Senate regarding China policy and the overall question before the country about China policy, as President Clinton prepares to leave for China later this week.

Mr. President, this debate is nothing new. Nonetheless, it takes on a special meaning and intensity, because it happens in the week in which the President will go to China. I understand the Senator from Arkansas, who is the proponent of most of the amendments, has stated over and over again that it was not his intention that these amendments be brought up in the week in which the President was going to China, and I know that is absolutely the fact. These amendments were filed earlier. He had discussed them earlier. It just happens that here we are on this bill, and they are coming up.

I hope that we will proceed, may I say, with an appropriate sense of respect for the mission that the President will carry out on all our behalf, because, though we may have different sides of this American policy towards China that we speak to on the floor, I know that we all hope and pray that the President's trip will be successful, in the sense that it will not only strengthen our bilateral relationship with China, but will do so based on honest exchange and principle, including the very principles that are the subject of some of the amendments that are before us, most particularly human rights, proliferation, which is to say security, and trade policy, and the others as well.

Mr. President, this question of our relationship with China is, in some ways, the most difficult, complicated and yet the most important of our foreign and defense policies because of the size of China, the enormous changes that are occurring in China, and the significant role that China will play in the next century as a true military, economic superpower. The question of our policy is often described as a choice between engagement or nonengagement, which is to say engagement, on the one hand, or isolation and containment on the other.

Well, I favor engagement. I think that the truth is when you come down to it, there are very few people here that I have heard in the Senate who really want to isolate China, or that is the stated intention of their policy. The question then becomes, I believe, not whether or not to engage; China is too big for us not to engage with; we are too sensible for us to try to isolate or contain this great country with such a long and proud history. The question then becomes, How do we engage? And do we engage in a way that works together in an honest, principled fashion to not only improve our relations—military, economic, ideological, philosophical—but to improve the lot, the plight, the lives of people in China consistent with our own principles.

My fear is that some of the amendments that are offered here on this bill, and some of the statements of intention that have been made regarding American policy toward China, while they may want a form of engagement or they may acknowledge the inevitability of engagement with China,

they do so in a way that is confrontational, in some sense is punitive, perhaps without justification for all the punitive qualities, and in the end will put us in a course of conflict with China which many of us feel is not necessary. That, I think, is the issue drawn by these amendments. Yes, engagement, but what kind of engagement will it be?

On the other side there is an engagement that would be so devoid of honesty and principle that it would sacrifice America's national interests and our traditional values, human rights being at the top of them, which is to say it would be engagement for the sake of engagement, to yield, if you will, to the People's Republic of China in any point of conflict between us. That is as unacceptable as the policy on the other side of isolation and attempted containment.

I think we have to see if we can work together here to find a common ground on which we engage honestly and consistently with our principles and interests, which is to say we have an interest—military, economic, philosophical—in engaging China in the world community, in building peaceful relationships and prosperous relationships with her, but that engagement must be honest in the sense that we do not conceal our differences, and principled in the sense that we do not yield on the principles that make us uniquely American.

I hope out of the kind of debate that—though it is awkward to have it the week that the President is going to China—but I hope that out of the debate that is occurring here on these amendments, and the debate that I am sure will follow on MFN as the days and weeks go by, that we will be able to find a common ground.

It is not surprising that this debate is occurring. China is not only a big country and an important country, but it is a country with a different culture and history from ours. It is a country that lived under a remarkably rigid, ideological, Communist dictatorship for a long period of time that has seen outbursts, spasmodic alterations in the political status quo, and it is different from us. So these differences about how to engage China, what to expect of China, are not surprising. And we express those in the debate that is occurring on this bill.

My own strong support for the policy of engagement—honest, principled, direct engagement; one that I think is in our national interest—is premised on a conclusion which is that that policy of engagement, begun 26 years ago by President Nixon, followed by every President since of both political parties, has worked. We have had tough times, crises in the relationship—cultural revolution two decades ago; and very fresh, still stinging for us, the tragedy on Tiananmen Square a little less than a decade ago.

But overall, if you look at the changes, the revolutionary changes

within this country, China, I believe the facts indicate that the policy of engagement has produced a China today that is significantly different than the China of two decades ago of the cultural revolution, and one decade ago of the Tiananmen Square tragedy—an atrocity—that it is a country today that is moving in exactly the direction we would want it to, remarkably toward a market economy—and I will speak in a moment more to that—and also more in the direction of human rights than before, though, God knows, not enough.

But remember, again, we are dealing with a culture and a country very different from ours, a culture and a country during communism and before so large that it lived with the constant fear of the leadership, of the disintegration of this enormous national entity, a country in which leaders have traditionally portrayed themselves as riding on the back of a tiger. But the changes have most assuredly occurred.

It has been fascinating in the last month or so just to pay a little bit of extra attention to the newspaper reports from China, not so much the political reports, but what might be called feature stories in the press. And they showed a China that is dramatically different, much more like us than it was before.

There was a story a while back in one of the papers about the fact that half of the villages in China have held elections. It was a concerted effort by the leadership—not unlimited; that is for sure—but a concerted effort by the leadership of China to introduce some form of participatory electoral system in half of the villages in China, almost 500,000 villages.

There was another story about a professor at a university in Beijing, a brilliant man, from the article, who had an idea for a new technology; this kind of thing that happens around America, particularly in places like Silicon Valley. It did not happen in Communist China. But he found his way to some capital, started a company, and is doing brilliantly. He is excited about his stock options. Wow. That is not one of Mao's—I do not remember stock options being in Mao's little red book.

There was a different kind of story about a change in the use of the media. Remember, under Mao the television or the propaganda instruments only had one—it was all straight ahead. It was all: "Support Mao. Support the State." There was a story about a gentleman who is producing the most popular sitcom on television in China. He had been, I am proud to say, in my own State of Connecticut, in Waterford at the Eugene O'Neill Theater for a period of months studying and saw "The Cosby Show" and was inspired by it. I take some license here, but he went back and created the Chinese version of "Cosby," the most popular show in China at this point.

There was an announcement of the sale of 3 million state-owned residences

to people, to citizens of China, property ownership fundamental to our view of the world, not theirs; tens of thousands of State-owned enterprises about to be privatized or closed down because they are inefficient.

Under the leadership I would describe as revolutionary, of the new Premier, Zhu Rongji, one of the ways in which the Communist State controls the lives and political behavior of all of its citizens is by employing all of its citizens. Once you take these tens of thousands, hundreds of thousands, of State-owned enterprises, privatize them, and people are not working for the State any more but working for private owners, you have the conditions for a whole new expression and experience of freedom—remarkable, remarkable changes.

Let me talk about religion, because it is of real interest to me. I worked with colleagues and cosponsored one of the two bills before this body that try to put religious freedom and protection from religious persecution and discrimination at the center of our foreign policy and impose penalties on countries or at least alter our relationship with countries that don't respect the bedrock American principle of freedom of religion.

Last March, Senator MACK, a colleague and dear friend from Florida, and I went to China. It happened to be Holy Week, the week before Easter. Senator MACK went to mass each day. The churches were more or less full.

Let me read from a New York Times article of just less than a week ago, June 17, so you can get a flavor of the changes that are occurring, and yet the enormous changes that have not yet occurred that we need to have occurring. I will read briefly from the New York Times of June 17, an article by Eric Eckholm, from Nanjing. The article begins with a report that:

New Bibles stream forth from a computerized printing press in this onetime southern capital at a rate of two and a half million a year for sale to Christians all over China. [Bibles in Chinese, of course.]

\* \* \* \* \*

Critics in the West point to the restrictions and repression as evidence of systematic persecution, while the Government's defenders here point, instead, to the relative freedom most Christians now enjoy.

Paradoxically, the rising outcry abroad comes as Christianity in China, especially evangelical Protestantism, is growing explosively. The Rev. Don Argue [many of us are privileged to know in this Chamber], recent president of the National Association of Evangelicals in the United States, says China may be experiencing "the single greatest Revival in the history of Christianity."

Much of that growth has occurred with official acquiescence, and though they remain a small minority in a giant country, millions of Chinese people like Zhang Linmei, a 32-year-old worshiper at St. Paul's [in Nanjing], find the same comfort in religion that Christians do anywhere, without worrying much about politics.

"I feel life is meaningless in society at large," Zhang said after services as she picked up her 5-year-old daughter, dressed in her finest, from Sunday school.

"This is the only reliable place in my life," Zhang added.

"The situation for religion is in many ways the best it's been since 1949," [the year of the Communist revolution] said Richard Madsen, an expert on Chinese religion at the University of California at San Diego. Though the Government still controls their growth and closely monitors their activities, he said, the official churches enjoy more autonomy [today] than [ever] in the past.

Even the illegal churches—[of course, here we get to the problem] unregistered Protestant churches and openly pro-Vatican Catholic groups—function without serious trouble in many places, Dr. Madsen and others say. But those who refuse to pledge support to the Government and its apparatus of religious control, and those with unorthodox or ecstatic styles of worship, can face harsh repression. The situation is similar for other major religions here, including Buddhists and Muslims. Many believers now enjoy relative freedom, but Tibetan Buddhists who consider the Dalai Lama their leader face repression.

Finally, a few more paragraphs which I think express the explosion in belief and freedom to believe, and yet the repression that still exists for those who trouble and offend particularly provincial administrators, administrators of the various Chinese provinces, or touch a vulnerable cord in the Chinese experience, which is the fear of a loyalty to a force outside of China and beyond the Government.

I read again from the New York Times article of June 17 last week:

Officials say Catholics now number four million, while outside researchers say the true total may be closer to 10 million, with many secretly accepting the Pope as the true head of their church.

The peculiar hybrid state of Christianity here reflects the obsession of the Communist party with control: virtually any organization, whether political or social or religious, must gain party approval.

The party is an officially atheist organization that asserts that religion will eventually wither away. But in a policy spelled out in the early 1980's, the Government officially guarantees freedom of religion—within prescribed boundaries including a required allegiance to the state, adherence to certain styles of worship and limits on church construction, evangelizing and the baptism of children, among other rules.

Of course, those are all unacceptable to us.

For those willing to accommodate, the 1990's seem a golden time.

"From our perspective, now is the best time ever for implementing the policy of religious freedom," said Han Wenzao, who as president of the China Christian Council is the national leader of the official Protestant church and a prime link to the Communist Government. "The criterion should be, is the word of God being propagated or not? [And Mr. Han Wenzao says] It is and it's good."

Well, that is a rational report, sobering and disappointing in the continuation of official sanctions, repression, anxiety about religion; and yet, clearly, the momentum is all in favor of faith. That, too, represents a maturing, a changing and development within the mind and outlook of the leadership of China. I think it is at least in part a reaction to the centrality that we have placed on religious freedom, absent persecution, in our relations with the People's Republic of China.

So, I hope we will pass one of these bills that set up a system in our Government to rank and report on the state of religious freedom in all the countries of the world. Of course, I don't favor a specific action regarding the People's Republic of China, because that tends to scapegoat them and it tends to create a confrontation between us separately that is not necessary. They ought to be part of the overall policy that I hope this Senate will adopt, that Congress will adopt, before this session ends and, most particularly, to the events of this week.

I hope and believe that when the President meets with Jiang Zemin, when he speaks with the people of China publicly, he will raise this question of religious persecution in a way that he couldn't do if he were not engaged and wouldn't do if he were not honestly and principally engaged; he will speak directly to why it is so important to us in America that countries with which we have normal, bilateral relations respect the right of their citizens to worship God as they choose. That was the initial, primal motivation for those who founded this country. It is right there in the first or second paragraph—first substantive paragraph of the Declaration of Independence, in the first amendment to our Constitution, the beginning of the Bill of Rights. It is what we are about. If we are not directly and principally engaged with that, if our President of the United States does not go to China, the kind of progress that I have described in which I say the glass is certainly half full and getting fuller, the opportunities for that will be lost.

I want to say just a word more about national security, because these amendments, after all, are attached to the Department of Defense authorization bill, S. 2057.

In a literal sense, a parliamentary sense, it seems to me personally that these amendments are not germane. That is a matter of parliamentary conclusion, which I will leave to others. But I want to say that the question of our relations with the People's Republic of China, the question of how we engage and whether we engage with the People's Republic of China is at the center of our national security policy, of our defense policy today and, even more so, in the next century.

We have many important security relationships in the world, beginning with our allies in Europe, and in Japan. Our ability to manage our relationship with the People's Republic of China will, in my opinion, as much as any other relation we have, determine whether or not we will live in a world that remains secure in our time, but whether our children, and whether the pages here, as they grow to be adults, will live in a world that is secure. That is the destiny of China—with 1.2 billion people who are building a military, it is strategically located, an enormous country.

Look at the situations in the world which worry us now—most recently,

the explosions of atomic weapons by India and Pakistan on the Asian subcontinent. Our ability to work with them, as we have been doing since those explosions, greatly strengthens our capacity to limit the possibility that the conflict on the subcontinent will break into a worse conflict, and a nightmare would be a nuclear war.

Consider where we would be today in implementing the policy on the Asian subcontinent if we were not engaged with China, if we could not work with the permanent five members of the Security Council and with China on a problem such as that. Take the Korean peninsula. We have in excess of 30,000 American soldiers there. It is probably the most heavily armed border in the world. Our ability to keep the peace there and, in fact, to begin to move beyond, in the absence of conflict, to better relations between the parties there is very important to us. It is materially helped by our engagement with China—our ability to work with the two Koreas, China, and the United States to try to create more stability and ultimately, perhaps, a reunification of the two parts of Korea.

Take our interest in the Persian Gulf, in the Middle East—an interest so clearly vital to our national security that we sent a half million troops there about 7 years ago in the Persian Gulf war. China and United States will begin to have shared interests—and perhaps even if we are not engaged, a shared competition, as China grows economically—for the energy resources in the Persian Gulf area, for the oil. We have to have a good relationship with China to be able to manage that competition for energy in a way that doesn't break into conflict.

More immediately, the Middle East, Persian Gulf—always a tinderbox in our time—we deeply fear the proliferation of weapons of mass destruction, of ballistic missiles, particularly in Iran. My sense is that the engagement with China has assisted us materially in cutting down the flow of component parts to the Iranians for the development of nuclear weapons, which is not so with missile proliferation, as far as I can tell. I hope and trust that the President will discuss that directly with the leadership of China in the summit that is to come later this week.

But, again, an engagement with China offers us the prospect, in return for what China seeks in our bilateral relationship, including not only economic gain but recognition, stature, involvement in world organizations—in return for that, hopefully, we will be in a position to convince the leadership in China to cut back on any of the component parts of ballistic missiles, which they are selling to Iran, or any other countries that threaten our security, because that is part of what it means to be engaged.

Incidentally, Mr. President, in this regard—and I know there are some amendments that maybe have been put

forth that deal with proliferation—this Chamber, a short while ago, passed the Iran Missile Sanctions Act, also passed by the House, on its way to the President. The concern expressed about that bill had mostly to do with its impact on Russia as a major supply of component parts for missile construction in Iran. But Russia is not mentioned in that bill. That is a generic bill. That is the way we ought to deal with problems like proliferation—not to single out the Chinese, but, you know, the PRC, People's Republic of China, will be affected by that legislation, and entities within it will be deprived of doing business with the United States if there is evidence that they are contributing to the ballistic missile capacity of the Iranians. We would not have those opportunities if we were not engaged honestly and in a principled way.

So I draw the conclusion that though these amendments may, in one sense, parliamentary, be ill placed on this bill, that they touch a larger issue. It is the right issue and the right point, which is that our ability to manage our relations with China in our time, and particularly as we head into the next century, will substantially affect the national security of the United States.

Let us say we stopped engaging and we attempted to isolate or contain China. Think of the turmoil that would cause to our allies in Taiwan, our great, dear friends and allies in Taiwan. Think about the prospect of an independent—disengaged from the United States—People's Republic of China, growing stronger in the next century. Could our allies in that region—even our best ally, Japan—maintain as close a relationship with us when China was an emerging strength and was hostile to the United States because we attempted to contain them? I think not.

So, Mr. President, I hope we can find a more constructive course to go forward with than being unnecessarily punitive about everything that happens in the People's Republic of China that doesn't please us. A lot will happen there that doesn't please us. But it is in our overriding national interest, militarily, economically, and ideologically, to continue to be engaged in an honest and direct way.

In my opinion, there is ultimately no choice. And I hope we can find ways—short of some of the amendments that have been put onto this bill—to reason together and come up with common approaches because, as I said at the outset, as much as I support engagement, engagement cannot allow us to become spineless. I don't think it has been in our time. Since President Nixon, and since Tiananmen, and President Bush, and on into President Clinton, I think we have been strong and demanding. It is an appropriate role for Congress to continue to work with the administration to make sure that is the case.

Finally, I will offer for the review of my colleagues, at some point, a bill I was privileged to introduce last fall, in

October, with three colleagues, which constituted two Republicans and two Democrats, including myself; Senators BOB KERREY of Nebraska; CHUCK HAGEL of Nebraska, and FRANK MURKOWSKI. I believe it is Senate bill 1303. It is an attempt to create a legislative expression of support for a policy of honest, direct, tough principled engagement with China, that is in our interest, and to create some bilateral entities, commissions, and working groups to work through in a demanding way—and some of them including Members of Congress—these points of conflict that we have with China to see if we cannot build on them instead of striking down and undercutting the relationship as a result of those areas in which we disagree.

I hope at some point to be able to bring this bill to the floor and to either in whole or in part as an amendment ask my colleagues to consider it as an expression of a policy, but also as evidence of a particular way to express that policy to establish a United States-China trade and investment commission, to establish a bilateral energy committee, to establish a bilateral food committee, to establish a U.S. human rights commission to not only create a bilateral dialog on human rights, but for us to have an opportunity directly to speak to the Chinese about how important it is to us, but also to create an opportunity to review the Chinese, province by province, in these areas of concern to us—human rights, proliferation, trade, environment—and to use a carrot instead of a stick, and to offer to those provinces that measure up closer to our standards and ideals: OPIC insurance financing backing, clear access to Eximbank financing that is not available now but only through a Presidential waiver to move constructively, honestly, forward; an understanding that both peoples and both countries have to gain from this involvement, and particularly understanding that the people of China for whose freedom we work and pray and from whose increasing freedom we take great joy.

They are the ones that I think will ultimately suffer as much as we will from a policy of isolation and containment, and will gain from a policy of direct and principled engagement.

I thank my colleagues for giving me the opportunity to speak.

It would be my intention on the motion to table that the Senator from Virginia has said he will put in tomorrow to vote to table, because while I think this has been a constructive debate, I don't think this is the week to be taking action in the way that some of these amendments would, and I don't favor most of the amendments as expressing the kind of policy of engagement that I think is so much in our American national interests.

I thank my colleagues. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that current business be set aside for the purpose of immediate consideration of my amendment No. 2405.

Mr. LIEBERMAN. Mr. President, with respect, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. INHOFE. Mr. President, I had the intention, and still have the intention at some later time, of reintroducing the amendment that is at the desk.

What it effectively does is address the potential problem and influence that a company called COSCO, the Chinese Ocean Shipping Company, will have on the United States.

Mr. President, the Chinese Ocean Shipping Company is Communist China's largest shipping group. It has more than doubled the number of ships that our entire U.S. Navy has. This group has been given preferential treatment by this country and other countries for some period of time. It wasn't long ago that they were given the opportunity to have ports at both ends of the Panama Canal, the Ports of Colon and Cristobal, and our country was supportive of that.

This 25-year lease gives them an abundance of control in the Panama Canal and was to cost \$22 million a year. But the deal that was made would be to waive that amount of money, and to waive the labor laws and veto rights over a period of approximately 2 years.

Other areas where we have given preferential treatment to COSCO fall in the area of taxpayer-guaranteed loans.

COSCO was the first shipping company owned by Beijing government to receive a U.S. Federal loan guarantee under a 40-year-old Transportation Department program designed to help American shipyards win business. This was a \$138 million loan, which constituted 87.5 percent of the cost of the projects to build four container ships in Alabama. The ships were never built. They did not go through. Nonetheless, the permission was given.

There are many other areas where they have received preferential treatment. Since the 1950s, ships from Communist nations have been forced to give 4 day's notice before they could dock near U.S. military establishments. This was to give the U.S. officials early warning about possible spying and this type of thing. The restriction still applies to countries like Cambodia, Vietnam, Russia, and some of the other former Soviet Republics. But in a deal that was worked out in December of 1996, the United States cut China's wait at a dozen sensitive ports from 4 days to 1 day.

Make sure we understand what we have done here. We have allowed this company to only have to wait 1 day, and all the rest of the Communist na-

tions have to wait 4 days. Cambodia still has to wait 4 days. Vietnam still has to wait 4 days, but China only 1 day.

U.S. firms still can't get sole-tenancy leases at Chinese ports, yet COSCO got just such rights last year from Long Beach, CA. What a lease—a vacant U.S. Naval Station with no security check. What they are attempting to do now is to get the rest of that closed operation.

We are talking about several hundred acres very strategically located.

It is kind of interesting, since we have been giving such preferential treatment to the Chinese Ocean Shipping Company. Why are we doing this?

I think it is important to understand that this shipping company is not a part of the private sector. This is owned by the Chinese Government. It is owned specifically by the People's Liberation Army of Communist China. So their interests are not just in mercantile—not just in ships—but also they have military interests. COSCO reports to the Chinese Ministry of Communications, which falls under the State Council, which in turn is led by the Communist Party Politburo member and Premier Li Peng.

If we are looking at the problems that have come up and surfaced and have caused many of us to be concerned, we might want to remember that back in March of 1996 a COSCO ship, the *Empress Phoenix*, transported 2,000 illegal AK-47 automatic weapons to be used in street gangs in Los Angeles. It was intended to be sold to the California street gangs, and this has been verified. The corporation was the Norinco Corporation, which is controlled by the People's Liberation Army. Fortunately, the guns were confiscated as a part of an FBI sting operation.

Mr. President, it is certainly no coincidence that the firm is also the employer of record of Wang Jun, which is the well-known Chinese arms dealer who attended a recent radio address in this country.

Mr. President, only last week the Washington Times reported that a COSCO ship was on its way to Pakistan.

Now we are talking about shipping, carrying, nuclear technology and equipment in violation of an international nonproliferation agreement. We are talking about carrying this information, carrying this technology, carrying this nuclear technology to Pakistan from China, a clear violation.

The COSCO ships have previously been used to transport military and strategic cargoes, including components for ballistic missiles from China and North Korea to such countries as Pakistan, Iran, Iraq, Syria, and just most recently, we learned last week, Libya.

So I think that we have a great deal of our Nation's security at risk by allowing them—continuing to allow them to have this lease.

With that in mind, I would again renew my unanimous consent request.

I will wait and give adequate time for someone to come in, if there is an objection, but my unanimous consent request would be to set aside the pending business for the immediate consideration of my amendment No. 2405.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. I respectfully object.

The PRESIDING OFFICER. The Chair hears an objection.

Mr. INHOFE. I thank the Chair.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, in the few minutes we have, I would like to respond to my good friend and colleague from Connecticut, to some of the comments he made about the pending business and the amendments I have offered regarding China.

He spoke of engagement and the necessity of the engagement policy, and as has so often been the case with administration defenders and the defenders of the engagement policy, they would present a false dichotomy in that if you are not for the current administration's policy, then you are an isolationist. I would suggest it is not engagement or isolation; it is how we are going to engage China.

I would further suggest that the policy this administration has pursued has failed in engaging China adequately. That is evident in a whole host of areas, not the least of which are the abuses addressed by these amendments.

So when my good friend from Connecticut said that he is opposed to these amendments, I was tempted to ask specifically what amendment is it—denying visas to those who perform forced abortions, or is it denying visas to government individuals involved in religious persecution? What is it precisely that is objectionable about these? I would think, rather than undermining the President's hand as he goes to China, this in fact strengthens his hand, strengthens his ability to deal in a more forthright way with those issues of concern to all Americans.

My good friend from Connecticut also spoke in glowing terms of the "changed China." It is becoming more common to hear of the "changed China."

In the edition of Newsweek magazine which just came out is a cover article, a beautiful cover article, entitled "The New China." "The New China."

Well, I wish that as we looked at the experience of the Chinese people today and what has happened since 9 years ago and the Tiananmen massacre, we could be reassured that there were students to gather on the Tiananmen plaza during the President's visit next week, in fact they would receive a different greeting than they did 9 years ago when they were mowed down with gunfire.

Well, is China different? Is it a new China? These are just reports in the

last 3 weeks. New York Times, June 6: A bishop in the underground Catholic Church has been arrested, was detained on May 31 while traveling to his village.

This is the changed China.

June 14, the Portland Oregonian reports that Chinese police interrogated and threatened three dissidents who urged President Clinton to press Chinese leaders on human rights during the summit. Police ransacked the homes, confiscated their computers, took two to local precincts. June 14.

June 15, South China Morning Post: Dissidents in several areas including Shanghai and Weifang in Shangdong Province, the first stop for Mr. Clinton, have complained of harassment. Incidents have included home raids, detention, telephone tapping and confiscation of computers.

June 16, Japan Economic News Wire. In the runup to President Bill Clinton's visit to China, a veteran Chinese dissident has been indicted for helping another activist escape to Hong Kong.

June 18, Far Eastern Economic Review reports that Beijing warned the Vatican, "Don't use the Internet or other media channels to interfere with Chinese religious affairs policies." And we could go on and on.

That is the last 3 weeks, Mr. President, of news accounts of what is going on in China. That is the "new China." We want to present China today in some kind of rose-colored glasses, that everything is fine, when in fact it is not.

Mr. INHOFE. Will the Senator yield? Will the Senator yield for a question?

Mr. HUTCHINSON. I would love to yield to my good friend from Oklahoma, but I have 5 minutes left. Unfortunately, the Presiding Officer has assured me he is going to gavel me quiet at 3 o'clock, so I am going to have to talk very quickly.

The issue of religious freedom was raised, and my friend from Connecticut spoke once again in glowing terms of improved conditions in China on the issue of religious freedom. While my friend quoted from the New York Times—my good friend and distinguished colleague, whom I admire greatly—I would like to quote from the State Department's Report on Religious Freedom in China just issued in the last—it is a 1997 report just issued recently on China, and I will quote just a portion of this.

Some religious groups have registered while others were refused registration and others have not applied. Many groups have been reluctant to comply due to principled opposition to state control of religion, unwillingness to limit their activities or refusal to compromise their position on matters such as abortion. They fear adverse consequences if they reveal as required the names and addresses of members and details about leadership activities, finances and contacts in China or abroad.

Guided by a central policy directive of October 1996 that launched a national campaign to suppress unauthorized religious groups and social organizations, Chinese authorities in some areas made strong efforts to crack

down on the activities of unregistered Catholic and Protestant movements. They raided and closed several hundred house church groups, many with significant memberships, properties and financial resources.

And it goes on and gives many examples of that. So, in fact, our State Department—whatever else the New York Times may say, our State Department says that conditions in China are deplorable and that in fact there has been a crackdown on those who would defy the Government by not registering because of principled opposition to the Government's policy.

Now, we say—and I have heard it argued even today—that the church and religious organizations in China are flourishing. Well, they are growing, but I would just suggest that they are growing in spite of Government policy, in spite of the persecution, not because there has somehow been a blossoming of religious freedom in China.

As I think back to the early days of Christianity and how the Roman empire cracked down with great intensity upon the infant Christian faith, the Christian faith mushroomed and spread all across the known world at that time. But they did so in spite of intense persecution, and actually Christianity began to demise when suddenly it was made the "official religion." So to say somehow growth equates with freedom in China today, I simply reject that.

I have much, much more that I would like to say. I do want to say a word about the President's plans to be received in Tiananmen Square. Mrs. Ding Zilin, mother of a 17-year-old student who was killed in 1989 in the Tiananmen protest, said that she hoped President Clinton would make a strong gesture. Her husband is associate professor of philosophy at the People's University in Beijing. They said this. They objected to the pomp and ceremony in Tiananmen Square as the red carpet "is dyed with the blood of our relatives who have fallen."

I wonder, with the emphasis upon property control, if the President would feel the same about following protocol if those hundreds of students who were slain had included some American students, perhaps there as foreign exchange students.

One thing is certain. When the President goes to Tiananmen, it will be peaceful. It will be quiet. All dissidents will have been rounded up, and there will be no embarrassing protesters. When President Jiang Zemin came to the United States, there were protesters. When Jiang was asked about it, he mocked the protesters, saying with a smile that periodically he heard little voices and noises in his ear. There will be no such embarrassing little noises in his ear when President Clinton goes to Tiananmen Square.

How do we turn what I think is an unfortunate decision to go to Tiananmen Square into something positive? Perhaps the President could give a Reagan-like speech, when Presi-

dent Reagan went to the Berlin Wall in 1987 and he said, "Tear down this wall."

It was Jiang who said that all of the protest in 1989 was "much ado about nothing." That was the President's attitude—much ado about nothing. Perhaps President Clinton could ask for an official apology. Perhaps he could ask for the release of the dissidents. They have never investigated; they have never apologized; they have never released the dissidents. Perhaps he could take a lead from the Italian President, who last week, after the official reception, returned to Tiananmen Square, where he prayed and where he meditated and where he remembered those who fell. Perhaps the President, in going to Tiananmen, could bring a wreath in memory of those.

And then I would suggest this as well, that when the President raises the issue of human rights, he does so not before a press briefing but that he does so on his broadcast to the Chinese people. And if he will do so, it will be at least a small step in turning what I think is an unfortunate image for the world to see, into something that can be positive in this trip to China.

Mr. President, I yield the floor.

Mr. THOMAS. Mr. President, I come to the floor briefly today to address the China-related amendments to the S. 2057, the DOD Authorization bill, as the Chairman of the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations—the subcommittee with jurisdiction over the subject matter of these amendments.

Unfortunately, the proponents of these amendments chose a day to debate these provisions when it was clear that many of the amendments' detractors would be out of town. As a result, many of the latter are not here today to participate in this important discussion. While I strongly oppose these amendments, as I believe do a majority of the members of the full Foreign Relations Committee, I myself have commitments preventing me from spending any significant time today on the floor.

So in order to express the thrust of my position on these amendments, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a copy of a "Dear Colleague" letter dated June 15, 1998, of which I am the primary signatory; a copy of my opening statement from a hearing before my subcommittee dated June 18, 1998; and finally pages 1, 2 and 6 through 9 of a statement by Assistant Secretary Stanley Roth.

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

U.S. SENATE,

Washington, DC, June 15, 1998.

DEAR COLLEAGUE: When the Senate returns to consideration of the DOD Authorization bill, S. 2057, we expect a series of amendments to be offered concerning the People's Republic of China. These amendments, if accepted, would do serious damage to our bilateral relationship and halt a decade of U.S. efforts to encourage greater Chinese adherence

to international norms in such areas of non-proliferation, human rights, and trade.

In relative terms, in the last year China has shown improvement in several areas which the U.S. has specifically indicated are important to us. Relations with Taiwan have stabilized, several prominent dissidents have been released from prison, enforcement of our agreements on intellectual property rights has been stepped up, the reversion of Hong Kong has gone smoothly, and China's agreement not to devalue its currency helped to stabilize Asia's economic crisis.

Has this been enough change? Clearly not. But the question is: how do we best encourage more change in China? Do we do so by isolating one fourth of the world's population, by denying visas to most members of its government, by denying it access to any international concessional loans, and by backing it into a corner and declaring it a pariah as these amendments would do?

Or, rather, is the better course to engage China, to expand dialogue, to invite China to live up to its aspirations as a world power, to expose the country to the norms of democracy and human rights and thereby draw it further into the family of nations?

We are all for human rights; there's no dispute about that. But the question is, how do we best achieve human rights? We think it's through engagement.

We urge you to look beyond the artfully-crafted titles of these amendments to their actual content and effect. One would require the United States to oppose the provision of any international concessional loan to China, its citizens, or businesses, even if the loan were to be used in a manner which would promote democracy or human rights. This same amendment would require every U.S. national involved in conducting any significant business in China to register with the Commerce Department and to agree to abide by a set of government-imposed "business principles" mandated in the amendment. On the eve of President Clinton's trip to China, the raft of radical China-related amendments threatens to undermine our relationship just when it is most crucial to advance vital U.S. interests.

Several of the amendments contain provisions which are sufficiently vague so as to effectively bar the grant of any entrance visa to the United States to every member of the Chinese government. Those provisions not only countervene many of our international treaty commitments, but are completely at odds with one of the amendments which would prohibit the United States from funding the participation of a great proportion of Chinese officials in any State Department, USIA, or USAID conference, exchange program, or activity; and with another amendment which urges agencies of the U.S. Government to increase exchange programs between our two countries.

Finally, many of the amendments are drawn from bills which have yet to be considered by the committee of jurisdiction, the Foreign Relations Committee. That committee will review the bills at a June 18 hearing, and they are scheduled to be marked-up in committee on June 23. Legislation such as this that would have such a profound effect on US-China relations warrants careful committee consideration. They should not be the subject of an attempt to circumvent the committee process.

In the short twenty years since we first officially engaged China, that country has opened up to the outside world, rejected Maoism, initiated extensive market reforms, witnessed a growing grass-roots movement towards increased democratization, agreed to be bound by major international non-proliferation and human rights agreements, and is on the verge of dismantling its state-

run enterprises. We can continue to nurture that transformation through further engagement, or we can capitulate to the voices of isolation and containment that these amendments represent and negate all the advances made so far.

We hope that you will agree with us and choose engagement. We strongly urge you to vote against these amendments.

Sincerely,

Craig Thomas, Chairman, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Joseph R. Biden, Jr., Ranking Member, Committee on Foreign Relations; Frank H. Murkowski, Chairman, Committee on Energy and Natural Resources; John F. Kerry, Ranking Member, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Chuck Hagel, Chairman, Subcommittee on International Economic Policy, Committee on Foreign Relations; Gordon Smith, Chairman, Subcommittee on European Affairs, Committee on Foreign Relations; Rod Grams, Chairman, Subcommittee on International Operations, Committee on Foreign Relations; Dianne Feinstein, Ranking Member, Subcommittee on International Operations, Committee on Foreign Relations; Charles S. Robb, Ranking Member, Subcommittee on Near East/South Asian Affairs, Committee on Foreign Relations; Joseph I. Lieberman, Ranking Member, Subcommittee on Acquisition and Technology, Committee on Armed Services.

OPENING STATEMENT OF SENATOR CRAIG THOMAS, CHAIRMAN, SUBCOMMITTEE ON EAST ASIAN & PACIFIC AFFAIRS, JUNE 18, 1998

Good Morning. Today the Subcommittee meets to consider current Congressional views of the U.S.-China relationship. If we had had this hearing just six months ago, I believe that we'd be examining an entirely different climate. But due to a variety of circumstances—the timing of the President's visit to Beijing, a growing effort to emphasize human rights, both the Loral and campaign finance allegations, a question of foreign policy leadership in general and Asia policy in particular on the part of the Administration, to name a few—the Congressional spotlight is focused brightly on China, and the light is harsh.

As of today, in this Congress there have been 25 pieces of legislation introduced in the Senate and 51 in the House dealing solely with China. That's excluding authorization and appropriations bills, or amendments and riders to other non-China specific legislation and is more than in the last three Congresses. A majority of them involve sanctioning or otherwise castigating China for its behavior in a variety of fields, good examples being five bills presently pending before this Committee: HR 967, 2358, 2386, 2570, and 2605.

One would require the United States to oppose the provision of any international concessional loan to China, its citizens, or businesses, even if the loan were to be used in a manner which would promote democracy or human rights. This same amendment would require every U.S. national involved in conducting any significant business in China to register with the Commerce Department and to agree to abide by a set of government-imposed "business principles" mandated in the amendment. On the eve of President Clinton's trip to China, the raft of strident China-related bills and amendments threatens to challenge our relationship just at a time in its development when it is most crucial to advance vital U.S. interests.

Several of the bills contain provisions which are sufficiently vague so as to effectively bar the grant of any entrance visa to the United States to every member of the Chinese government. Those provisions not only contravene many of our international treaty commitments, but are completely at odds with one of the bills which would prohibit the United States from funding the participation of a great proportion of Chinese officials in any State Department, USIA, or SAID conference, exchange program, or activity; and with another amendment which urges agencies of the U.S. Government to increase exchange programs between our two countries. Finally, many of the provisions in the bills are redundant, reflecting legislation which has either already passed out of the Committee or out of the Senate.

Targeting China at this time strikes me as somewhat ironic. In relative terms, during the last year China has shown improvement in several areas which the U.S. has specifically indicated are important to us. Relations with Taiwan have stabilized and inter-governmental contacts have increased. Several prominent dissidents have been released from prison. Enforcement of our trade agreements on intellectual property rights has been stepped up. Despite predictions to the contrary, the reversion of Hong Kong has gone smoothly and Beijing has maintained its distance. And at the height of the Asian financial crisis, China agreed not to devalue its currency thereby helping to stabilize the crisis.

Has this been enough change? Clearly not. But the question is: how do we best encourage more change in China? Do we do so by isolating one fourth of the world's population, by denying visas to most members of its government, by denying it access to any international concessional loans, and by backing it into a corner and declaring it a pariah as these bills would do?

Or, rather is the better course to engage China, to expand dialogue, to invite China to live up to its aspirations as a world player, to expose the country to the norms of democracy and human rights and thereby draw it further into the family of nations?

We're all for human rights—there's no dispute about that. We agree on the message we want the Chinese to hear—stop the human rights abuses, stop facilitating the proliferation of dangerous weapons, stop the trade inequities. As the Chairman of the Senate Subcommittee on East Asian and Pacific Affairs, I have been extremely active in making clear to the Chinese our disappointment with their actions in these and other related areas. But the question is, how do we best achieve human rights? I think it's through engagement.

In the short twenty years since we first officially engaged China, that country has opened up to the outside world, rejected Maoism, initiated extensive market reforms, witnessed a growing grass-roots movement towards increased democratization, agreed to be bound by major international non-proliferation and human rights agreements, and is on the verge of dismantling its state-run enterprises. We can continue to nurture that transformation through further engagement, or we can capitulate to the voices of isolation and containment that these five House bills in particular represent and negate all the advances made so far.

The purpose of this hearing is to explore the current climate in Congress, to examine these bills, and to explore alternatives to them that will continue to advance both our interests and China's transformation.

TESTIMONY OF STANLEY O. ROTH, ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS, SENATE FOREIGN RELATIONS COMMITTEE, ASIA PACIFIC SUBCOMMITTEE, JUNE 18, 1998

Mr. Chairman, thank you for the invitation to address the Subcommittee on the important issue of pending China legislation in the Senate. This is, of course, a timely hearing, with the President's historic trip to China only a week away. I therefore welcome this opportunity to lay out the Administration's position on the bills before the Senate and look forward to engaging Committee members in a productive dialogue on this matter.

My testimony will be divided into three parts. First, I will review the reasons why a stronger, more constructive relationship with China is in the U.S. interest. Second, I will outline the Clinton Administration's strategy of engagement, highlighting what we have accomplished while noting the obstacles we still face. Finally I will explain the Administration's position on each of the five China-related bills currently before the Senate, examining the impact such legislation would have on our ability to engage the Chinese.

#### CHINA AFFECTS U.S. INTERESTS

Mr. Chairman, peace and stability in East Asia and the Pacific is a fundamental prerequisite for U.S. security and prosperity. Nearly one half the world's people live in countries bordering the Asia Pacific region and over half of all economic activity in the world is conducted there. Four of the world's major powers rub shoulders in Northeast Asia while some of the most strategically important waterways on the globe flow through Southeast Asia. The U.S. itself is as much a Pacific nation as an Atlantic one, with the states of Alaska, California, Oregon and Washington bordering on the Pacific Ocean and Hawaii surrounded by it. American citizens in Guam, American Samoa, and the Commonwealth of the Northern Marianas live closer to Asian capitals than to our own, vast numbers of Americans work in the Asia-Pacific region, and an increasingly large number of Americans trace their ancestry back to the Pacific Rim.

For these and many other reasons, the U.S. has remained committed to the Asia-Pacific region and has spent its resources and blood defending and strengthening our stake in the region. Since coming to office, President Clinton has repeatedly made clear that America will remain an Asia-Pacific power. We maintain a sizable military presence in Asia; enjoy a vibrant network of mutual security alliances with Australia, Japan, the Philippines, the Republic of Korea and Thailand; and have significant economic ties with most countries in the region. . . .

#### PENDING LEGISLATION

The sponsors of the China-related legislation before the Senate clearly share our goal of positively influencing China's development. The bills in question seek to bring an end to human rights violations, religious persecution, forced prison labor and coercive family planning policies in China and thus are very much in line with the Administration's own objectives.

The question, once again, is one of approach. How do we best effect those changes in the PRC?

H.R. 967 and H.R. 2570 both mandate a denial of visas to Chinese officials alleged to be involved in religious persecution (in the case of the former) or forced abortions (in the case of the latter). While the Administration opposes such repugnant practices and wholeheartedly agrees they must be addressed, these bills would restrict our ability to en-

gage influential individuals in the very dialogue that has begun to produce tangible results.

For example, the heads of the Religious Affairs and Family Planning Bureaus are people we want to invite to the United States again and again. The more Chinese leaders see of the U.S., the more they are exposed to our point of view and our way of life. We would be doing a disservice to the very people we endeavor to help if we cut off dialogue with those officials who shape the very policies we want to change. Such unilateral action on our part, moreover, could prompt Beijing to impose its own visa restrictions, further limiting the ability of U.S. officials and religious figures to advocate their views in China.

In addition, these bills impinge upon the President's constitutional prerogatives regarding the conduct of foreign relations of the United States. Decisions whether and when to issue visas to foreign government officials necessarily implicate the most sensitive foreign policy considerations, concerning which the Executive requires maximum flexibility.

H.R. 2605, which requires U.S. directors at International Financial Institutions to oppose the provision of concessional loans to China, would have the effect of punishing the Chinese people most in need of international assistance. The United States, as a matter of policy, has not since the Tiananmen Square crackdown supported development bank lending to China except for projects designed to help meet basic human needs. Concessional loans to China from the World Bank, for example, are only granted for the purposes of poverty alleviation. These loans support agricultural, rural health, educational and rural water supply programs in some of the poorest areas of the country. A vote against such lending would thus be a vote against the Chinese people.

Moreover, World Bank member donors agreed in 1996 that China, owing to its improved creditworthiness, would cease concessional borrowing. The Bank's concessional loans to China are thus to be terminated at the end of FY1999.

H.R. 2358 is fundamentally different than the first three bills in that it seeks to expand rather than limit U.S. engagement in China. The bill allocates new monies for additional human rights monitors at U.S. Embassies/Consulates in China; authorizes funds to the NED for democracy, civil society, and rule of law programming; and requires the Secretary of State to use funds from the East Asia/Pacific Regional democracy fund to provide grants to NGOs for similar programs. Human rights reporting and the promotion of democracy, civil society and rule of law have long been among this Administration's highest priorities in China, and thus we do not oppose, in principle, any of the above provisions. We would note, however, that the East Asia/Pacific democracy fund is a limited fund with competing demands. There is much work to be done to promote democracy at this time of great change in the Asia-Pacific, and thus we ask that Congress give Secretary Albright maximum flexibility in allocating these scarce resources.

The bill further requires the Secretary of State to establish a Prisoner Information Registry for China. We are sympathetic to the idea of establishing a prisoner registry and recognize the importance of such a registry to our human rights work. We caution, however, that the U.S. government is not the right institution for the task. Aside from the logistical difficulties of gaining access to the families and friends of Chinese dissidents, U.S. Government contact with such individuals could actually place them in further jeopardy. We believe that NGOs are far bet-

ter equipped to carry out these kinds of contacts. Several groups and individual activists, including Human Rights Watch, Human Rights in Asia, and John Kamm, already maintain such lists. Thus rather than undertake to compile and maintain an accurate registry, the State Department might play a more useful role in coordinating those groups already actively engaged in this issue.

Finally, H.R. 2358 requires the Secretary of State to submit a separate, annual human rights in China report to the HIRC and the SFRC. Documenting and making public the human rights situation in China is indeed of critical importance. We have accordingly given a great deal of attention to China in our annual "Country Reports on Human Rights Practices." The Department and our missions abroad expend enormous energy and resources preparing this report, and the final product routinely receives high marks for its thoroughness and integrity.

An additional study on China would be redundant and thus wasteful of taxpayer dollars. We already make extensive efforts to cover those topics earmarked for attention in H.R. 2358: religious persecution, development of democratic institutions and the rule of law. That said, we welcome suggestions on how to improve the reports and would gladly open a dialogue with the Congress on this important issue.

The last bill I want to address today, H.R. 2386, requires the Secretary of Defense to produce a study of the architecture requirements for the establishment and operation of a theater ballistic missile defense system for Taiwan. Let me state up front and emphatically that the Clinton Administration remains firmly committed to fulfilling the security and arms transfer provisions of the Taiwan Relations Act. We have demonstrated this commitment through the transfer of F-16s, *Kilo* class frigates, helicopters and tanks as well as a variety of air to air, surface to air, and anti-ship defensive missiles and will continue to assist Taiwan in meeting its defense needs.

Consistent with our obligations under the TRA, we regularly consult with Taiwan as to how it can best address a broad range of security threats, including the threat posed by ballistic missiles. We have briefed Taiwan, as we have many other friends, on the concept of theater missile defense (TMD). Officials in Taiwan are currently assessing their own capabilities and needs, an have not, to date, indicated interest in acquiring TMD. Requiring a study of this kind thus gets ahead of the situation on the ground in Taiwan and may not even be consistent with the approach Taiwan officials will ultimately want to take. We are accordingly opposed to the legislation.

Again, let me restate that we are steadfast in our commitment to meet Taiwan's defense needs. But while making it possible for Taiwan to acquire the wherewithal to defend itself, we must recognize that security over the long term depends upon more than military factors. In the end, stability in the Strait will be contingent upon the ability of the two sides to come to terms with each other. For this reason the Administration has encouraged Taipei and Beijing to reopen dialogue, making it clear to both sides that dialogue is the most promising way to defuse tensions and build confidence. In that regard, we are encouraged by recent signs of a willingness on both sides of the Strait to resume talks.

Mr. Chairman, as Secretary Albright has often said, there is no greater opportunity—or challenge—in U.S. foreign policy today than to encourage China's integration into the world community. While the Administration shares fully the concerns which inform

the bills before the Senate today, we do not believe that proscribing engagement with broad categories of Chinese people and mandating U.S. rejection of aid intended to meet basic human needs will help to change those policies and practices with which we disagree.

These concerns can be best addressed by continuing to engage Chinese leaders on the full range of security, economic and political issues. President Clinton's upcoming trip to China is intended to do just that, and thus is an opportunity to make progress on the very human rights issues addressed in today's legislation. Our strategy of engagement has met with considerable success thus far, and I am confident that with the support of the Congress we will continue to make progress in the lead up to the summit and beyond.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I know my friend from Arkansas has been waiting. I just want to say very briefly in response to my other friend from Arkansas, the question, I think, and we will debate this more tomorrow, is whether things are better today for the people of China than they were at the time of Tiananmen. I say much better. Are they where they ought to be? No. Absolutely not. Is it moving in the right direction as a result of our engagement? Yes.

Mr. BUMBERS. Mr. President, I know my good friend Senator INOUE is here because he has a judgeship nomination he feels very strongly about. I have waited here for over an hour now, and I ask unanimous consent I be permitted to speak for 10 minutes on the Hutchinson amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BUMBERS. Mr. President, let me say it is with some regret I rise in opposition to an amendment by my distinguished colleague and good friend from Arkansas, Senator HUTCHINSON. It is never pleasant to take an opposite viewpoint from your colleague, but I feel very strongly about this, as does he.

Let me say, first of all, I have no quarrel or suggestion that any of the information that Senator HUTCHINSON has just given us about conditions in China are incorrect. I do not know that they are correct, but I am sure he has checked out the facts he just gave the Senate. What I want to say is, if you had been in China with me in 1978 at the end of the Cultural Revolution, and it was at the end of the Cultural Revolution, and if you had heard the stories or if you had read the documentation since the end of the Cultural Revolution about what went on in China, I suggest this debate ought to be not about where China is, but how far she has come since 1978.

On the issue of religion in China, according to the New York Times, in 1979 there were three active churches in China. Today there are 12,000. In addition to the 12,000 temples and churches in China, it is estimated that over

25,000 religious groups meet in the homes of members every week, and nobody has tried to stop that. On the contrary, when you think of the growth from 3 to 12,000, China should receive some recognition for what they have done and the improvements they have made.

Nobody in the U.S. Senate will take issue with some of the accusations here that have been made about China's opposition to religions of all kinds. Nobody will argue that China has a good human rights record. Nobody will argue with very much of what has been said here. What we are arguing here is a simple philosophical point that I feel strongly about, and that is that China is 10 times more likely to allow the kind of progress that is going on there today, which has been absolutely phenomenal, when they are engaged in dialog with nations like the United States with whom they would like to have good relations, than it would be if we try to tell a great nation of between 1 billion and 2 billion people—25 percent of the Earth's population resides in China—they are much more likely to behave themselves when they are dealing with people who constructively engage them than they are with people who ignore them and try to impose sanctions.

What if China said, "We are not going to do business with the United States anymore until they pay the United Nations dues? We are paid up. It is the United States that is the deadbeat. They owe the United Nations \$900 million."

You would hear a hue and outcry in this country that would drown out every rock band in America.

Mr. President, China has a long way to go. Nobody argues that. But I can tell you that by the President constructively engaging China, presumably he will talk to them forcefully about human rights, inquire and talk to them forcefully about the issue of forced abortion, talk to them about political freedoms and how much better off they would be, talk to them about nuclear weaponry and how we are relying on China to temper one of the most volatile dangerous regions in the world, between India and Pakistan.

If you read the Washington Post yesterday, read the interview with President Jiang, you heard him say that he was shocked to hear India use, as one of its excuses for exploding a nuclear weapon—a weapon—he was shocked that they used China as a threat to India as one of the reasons. China and India have not been big bosom buddies. I am not suggesting that. As a matter of fact, it hasn't been too long since they had a border war. But, in my opinion, China is not the reason they exploded a nuclear bomb. The reason they exploded a nuclear weapon is because the Indians and Pakistanis mistrust each other, and one of the main reasons they distrust each other is because of their religious differences. If

you look around the world, you will find most of the wars, most of the dissent going on in the world today is because of religion—in Ireland, in Bosnia, in China, in India and Pakistan.

Mr. President, I think we ought to utilize China as a possible broker in the fight on the Korean peninsula, as well as between India and Pakistan—that whole region of the world.

I heard something the other day. I don't know whether it is true or not. I heard some guy on NPR talking about the criminal justice of the United States. There are 70,000 people in the United States in prison who are innocent. That is not the best record in the world, if that is true. I expect it is probably close to true. Every day you read about somebody who gets out of prison who has been there 10 years because he was found, finally, to be innocent. Nobody's criminal justice system is perfect. I am not saying there are not a lot more people imprisoned in China who are innocent. All I am saying is for any nation to hold itself out as perfect and to castigate other nations for being imperfect is the height of hypocrisy.

Mr. President, nobody disagrees with the issues that are being raised in this amendment, nor is anybody suggesting the President not engage the Chinese very forcefully on those issues. We have a trade imbalance with China. They sell us a lot more than we sell them. But I can tell you, if you took away the \$5 billion in goods we sell to China every year, there would be a lot of jobs lost in this country, and the people who sell in China, and other people who buy from China, are opposed, very strongly opposed to this amendment.

Two final points. A lot of people have a very difficult time since the Soviet Union disappeared. They have a very difficult time accepting the idea that we don't have anybody to hate. We had the Soviet Union for 70 years. It was so much fun. We didn't have to debate about who the enemy was; we knew it was the Soviet Union. We built weapons galore, trillions of dollars' worth, because of the threat of the Soviet Union.

The Soviet Union is not around anymore, and we have been searching frantically for somebody with which to replace the Soviet Union, somebody we could hate with a great deal of gusto and vigor.

I have watched for the past 2 years. I have watched the anti-China decibel level rise to unprecedented rates. China has been elected. I am not suggesting this amendment is offered because of the hatred for China. I am telling you, you cannot keep 270 billion dollars' worth of defense going a year unless you have an enemy. The military industrial complex has decided that is China, so we are going to continue to build weapons, and we are going to continue to make China the bad guy.

As I say, when you say these things, it looks as if you are being apologetic

or defensive. I am not, not for a moment. I am simply saying that is a fact, and I can tell you, since those bombs exploded in India and Pakistan, it is a very ominous sign, and I can tell you the threat to civilization has gone up exponentially.

When the President is going to visit a country which has signed the Comprehensive Test Ban Treaty, which has signed the Conventional Weapons Treaty, Conventional Weapons Convention, and which has agreed to quit shipping any information of any nuclear value to Iran, those are things that would never have happened if the Hutchinson amendment was in place. I feel quite sure the Hutchinson amendment will be defeated. I hope so.

He is my colleague, and I regret taking a position opposite him on any issue, but on this one, I can tell you, in my opinion, common sense dictates that the President do exactly what he is doing. I wish him well. I yield the floor.

#### EXECUTIVE SESSION

The PRESIDING OFFICER (Ms. COLINS). Under the previous order, the hour of 3 p.m. having arrived, the Senate will now proceed to Executive Session to consider the nomination of Susan Oki Mollway to be United States District Judge for the District of Hawaii, which the clerk will report.

#### NOMINATION OF SUSAN OKI MOLLWAY, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII

The bill clerk read the nomination of Susan Oki Mollway to be United States District Judge for the District of Hawaii.

The PRESIDING OFFICER. Under the previous order, there are 2 hours for debate on the nomination, equally divided.

The Senate proceeded to consider the nomination.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Madam President, before I proceed, I thank my dear friend from Utah, the distinguished chairman of the Judiciary Committee, Mr. HATCH, for reporting out the nomination of Susan Oki Mollway. I also thank my friend from Vermont, the ranking Democrat on the committee, Mr. LEAHY, for his encouragement throughout this process. And, if I may, I acknowledge and thank the majority leader of the Senate, the distinguished Senator from Mississippi, Mr. LOTT, for scheduling this matter this afternoon. I am certain the people of Hawaii are most grateful for this.

Madam President, I am pleased to recommend to my colleagues for their approval the President's nominee to the U.S. district court for the district of Hawaii, Ms. Susan Oki Mollway. Ms.

Mollway was nominated to fill a vacancy created more than 3 years ago by the untimely and unexpected death of the Honorable Harold F. Fong.

An empty judgeship is considered a judicial emergency after 18 months. This seat has been vacant for more than twice that time. In 1990, under Public Law 101-65, the Congress determined that Hawaii's Federal caseload called for increasing its Federal bench from three to four positions. However, the Honorable Helen Gillmor was not confirmed for that fourth seat until October 31, 1994.

Then Judge Fong passed away on April 20, 1995, returning Hawaii to three sitting district judges. Thus, Hawaii has had the benefit of the fourth judgeship for less than 6 months since its authorization in 1990.

For the year 1997, the weighted case filings for the three sitting district judges in Hawaii was 706 cases per judge. To give you a sense of what this means, the Federal Judicial Conference's standard indication of the need for additional judgeship is 430 weighted case filings per judge. Ours is 706. Needless to say, Hawaii has justifiably requested that a fifth judgeship be approved.

When Judge Fong passed away, Senator AKAKA and I undertook the job of interviewing and considering nearly 40 candidates for this judgeship. After personally meeting with these candidates and reviewing their individual backgrounds, Senator AKAKA and I were pleased to recommend Ms. Susan Oki Mollway to the President.

Ms. Mollway is ready for the position of U.S. district judge, and I believe she is absolutely worthy of your favorable consideration. The majority of the American Bar Association Standing Committee on the Federal Judiciary has given her the highest rating of "well qualified" for this judicial position.

By way of professional background, Ms. Mollway graduated at the top of her class from the University of Hawaii with a degree in English literature. She received later her master's degree in the same field. Then Ms. Mollway went on to Harvard Law School where she graduated cum laude in 1981.

For the past 17 years, Ms. Mollway has had a very successful litigation practice with one of the largest and most respected law firms in the State of Hawaii. She has been a partner in that firm's litigation department since 1986. Her impressive litigation experience includes a wide array of areas from Federal labor law to contract disputes to lender liability and appearances before every level of the State and Federal courts, as well as a successful appearance before the U.S. Supreme Court in 1994.

Ms. Mollway has also taught appellate advocacy at the University of Hawaii's William S. Richardson School of Law and has participated as an arbitrator with Hawaii's court-annexed arbitration program. I have no hesitation

in giving my highest recommendation to Ms. Susan Oki Mollway.

Questions have been raised about Ms. Mollway's former membership on the board of directorship of the American Civil Liberties Union of Hawaii. More particularly, she has been asked to give her personal views on such matters as same-sex marriage, mandatory minimum sentencing, the death penalty, and employee drug testing. Ms. Mollway has responded to these questions and I believe has given a complete account of her own activities with the ACLU. With respect to her personal views, in most instances, Ms. Mollway has stated that she has not formed any personal opinions.

More important, as one who may become a Federal trial judge, she clearly understands that her personal opinions are not relevant to the decisions she will make as a judge. Rather, Ms. Mollway has unambiguously and repeatedly recognized in her responses the authority of the Constitution, Federal statutes as passed by the Congress, and case precedent from higher courts.

Furthermore, Ms. Mollway has unwaveringly stated that there is nothing whatsoever that prevents her from abiding by and applying applicable law and precedent in cases that may come before her as a Federal district judge. I am certain she will do just that and serve the Federal judiciary and the State of Hawaii with reason, balance, and integrity.

Madam President, on a more personal note, I would like to make a few comments about Ms. Mollway's family background, because I have known Susan Oki Mollway virtually all her life.

The question that comes before us is why did she join the ACLU? People do things because of background or some experience in life.

As a young law student, she began to research the life of Japanese-Americans in the United States. And she came across rather strange decisions made by the Court and also by the Congress of the United States. These are chapters in the history of the United States that many of us would like to forget. But I think it might be well if we reviewed them at this moment.

Ms. Mollway found out, for example, that in 1922 the Supreme Court of the United States declared that Japanese were not qualified for citizenship; in other words, they were singled out among all the peoples of the United States and said, "You cannot be a naturalized citizen." Everyone else could be.

Then in 1924, the Congress of the United States, in enacting the immigration laws, declared that if people are not qualified for citizenship, they may not immigrate to the United States. So once again the Japanese were singled out and told that they may not come here as immigrants.

Then we all know that on December 7, that day of infamy, the Japanese attacked Pearl Harbor. Soon thereafter,