be rewarding ourselves with regard to trade. The opening has already been given to China. We are the ones to whom they have agreed, if this happens, to lower tariffs on a number of our things that go there. It really doesn't change the situation much with regard to China. It gives us a better opportunity to do that.

We also argue about how we implement these changes. Are we more likely to bring about changes if we are part of a multilateral group such as the WTO, or more likely to do it with the unilateral kinds of things for ourselves? I happen to believe we would be better off to have an organizational structure such as the WTO to go through to talk about some of the things we think are not being done properly. Does that mean we don't continue to monitor things such as human rights, that we don't continue to monitor things such as weapons proliferation? Of course not. The question really is, can we expand with the WTO, or are we more likely to do it with the unilateral kinds of things for ourselves?

I am opposed to the Thompson amendment, which is an amendment to the bill to establish normal trade relations. First of all, as I mentioned, I am chairman of the subcommittee that has jurisdiction over some of these issues. Neither the Foreign Relations Committee nor the Banking Committee has been given the opportunity to consider and debate this issue before it was brought to the floor. That is not the customary way to deal with issues that are as far reaching as this one. To bring it to the floor without going through the committees and giving the committees of jurisdiction the opportunity to consider it—the Banking Committee, as you know, which has jurisdiction over a portion of these kinds of arrangements, is very upset about this process.

We, of course, argue that under the time constraints it is most difficult. The House passed a bill to open normal trading relations. By the way, the Senate has done it every year for normal trading relationships. This is really a departure from what has been done. But certainly, if we amend it at this time in this session, we will have a difficult time getting it completed.

My first problem is jurisdictional, of course produced by Senator Thomson. We had plenty of time and could have done it in May. It could have gone through those committees. But it didn't go to either committee. Certainly the kinds of changes that would be made there would apply. We ought to have the opportunity to consider and not limit the process entirely. The House, of course, has passed this bill by a large majority, and we need to move forward with it.

Aside from the jurisdictional concerns, I have a fairly large number of substitute concerns regarding issues of proliferation, and particularly the problem of transfers to Pakistan. I don't believe this amendment will do anything to change the situation. Instead, it would turn us to the discredited, failed strategy of mandatory unilateral sanctions and annual votes on the status of China trade.

We have already talked a great deal, of course, about the passage of an amendment and the impact it would have on the relationship. I want to stress again that trying to work with China on some of those things does not make us oblivious to the things on which we disagree with them. Surely, if human rights we are going to continue to champion.

Again, we have to consider how to best have an influence on bringing about change—change that has not occurred as completely as I would like. I can tell you from my experience that there is change. The more visibility the people of China have to the outside world—the fact of market systems, the fact that personal freedoms provide a certain leverage to strengthening it, so more and more evident. For years, of course, they have not had any opportunity to see what is going on in the world. For example, things have changed substantially in China. Now they see some of these things and they see the changes that need to be taken.

Of course, with respect to another statute that does something about proliferation, we already have numerous statutes available to the President. There are the Export-Import Bank Act, the Arms Control Disarmament Act, the Arms Export Control Act, and the International Emergency Economic Powers Act. It goes on and on. They provide the very authority that is being talked about in some of these amendments, and that is in place.

Someone said it gives the President the opportunity to decide and be flexible about it. Then the author—in this case, the distinguished Senator from Delaware, Mr. Roth, chairman of the Finance Committee, opposed to adding amendments that will, indeed, have the effect of delaying or killing the PNTR bill. Most any amendments would have that effect. I believe most of the Members of this body also believe that because each of the amendments that have been offered have not survived and have lost by a rather substantial vote. I hope we continue to do that.

It is pretty unrealistic while we are trying to finish up the work of this Congress to think we can spend another week going back and forth in conference with the House and get this done.

I know there are justifiable differences of view. That is what this system is all about. We ought to talk about those. It is my view we have talked about them and there ought to be an end game so we can move on. We keep talking about the things we have to do including 11 appropriations bills out of 13 that have not yet been passed. Several have not even been marked up. We have less than 3 weeks, 14 days, to work on these. We know very well that the President is going to create some troubles to the completion of our work so he can have more leverage to get the kinds of spending he wants and put the pressure on the majority party in the Congress.

All these things are real and realistic and not unusual. I think we need to understand where we are. I think we need to take a look at the job we do have to do so the American people can continue to be served by those programs that are in the appropriations, that we see were those reductions that have been made can be replaced so we have services in the country. I have particular interest in that as cochairman of the rural caucus for health care. Some of the small hospitals and small clinics need it to happen. We need to move forward and not spend 2 weeks on a repetitious review of the same issues. There comes a time we should move forward.

Therefore, I strongly urge we do move forward and that we do not amend the bill before the Senate. Conclude it and send it to a satisfactory signing at the White House and move forward on the issues facing the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE’S REPUBLIC OF CHINA—Continued

AMENDMENT NO. 4129

Mr. SMITH of New Hampshire. Mr. President, very shortly there will be a vote on one of the divisions in my amendment to the PNTR legislation. This is a particular odious practice that occurs now in China called organ harvesting. It is hard to imagine that any nation in the world today would conduct activities as odious as this, but it does happen.
As we know from the debate that has been occurring on the permanent normal trade relations with China, most of the predictions are it is going to pass, perhaps overwhelmingly. I personally oppose the legislation. But if we are going to pass it, I believe we are under an obligation to at least call to the attention of the rest of the world, and frankly to our own people here in America, the barbaric practices that are occurring in this country to which we are about to give permanent normal trade status.

Permanent is a pretty strong word. Permanent means permanent. Under the permanent normal trade relations bill, there is a process for monitoring the activities. There is a commission that is set up. My amendment is very simple. It says:

The Commission shall monitor the actions of the government of the People's Republic of China with respect to its practice of harvesting organs from prisoners for profit from prisoners that it executes.

So all my colleagues know, this amendment simply says the commission shall monitor these activities in China as best they can and report to the American people what they find. I believe it is worthwhile as a nation to look the other way and say it is OK to make money, to trade with China, sell our agricultural products, and ignore these types of human rights violations.

In the debate yesterday I discussed this briefly. We heard a lot about not delaying the bill. The House has sent us over a bill—which, by the way they amended, they added some things to the monitoring—and they sent it back to the Senate. Now many of my colleagues who are supporting PNTR are saying: Let's not delay this. If we agree to these amendments, the Smith amendment or the Thompson amendment or the Wellstone amendment or any other amendment that has been offered, we are going to delay the process. Maybe it is a good idea to call attention to the fact they are harvesting organs obtained unwillingly by executing prisoners, but we don't want to mess up the whole debate here. We do not want to mess up an agreement we have with the House.

We go to conference on hundreds of bills year after year. We are going to go to conference on 13 appropriations bills. We went through this. Let me tell you, we have a House and a Senate. It is what the Founding Fathers wanted us to do. So if it takes a few days or a few hours—most likely a few minutes—to confer on an amendment such as the one we are about to vote on, which I am about to speak on in a moment—if it takes a few minutes to have the House agree to it, so what. What is the big deal?

This is very disturbing. Yet my colleagues are saying to other senator colleagues: Don't vote for the Smith amendment, the Wellstone amendment, the Helms amendment, the Thompson amendment, or any other amendment because it is going to require us to have to confer with the House, and therefore it might slow the bill down.

If we are giving permanent status to China, what is a few more minutes? If we pass it, the House passes it, we ante it over to the Senate. Senate this morning or this afternoon, by dinnertime the House agrees to it, puts it on the President's desk, he has breakfast tomorrow morning—has a glass of juice, coffee, whatever, a muffin—and then signs the bill. What is lost?

When we do that, we could get some of these amendments. This monitoring language we should have in this bill. To do otherwise, with all due respect to my colleagues, is simply to say: I am going to look the other way while organ harvesting takes place in China. We don't want to rock the boat. We don't want to offend the Chinese. We don't want to offend the House because they do it. So therefore we are not going to conference this. We don't want to rock the boat.

That is wrong. To put it bluntly, that is wrong.

Let me speak briefly about the content of my amendment. Organ harvesting, there was an expose done on this in 1997 by ABC News. This is not Bob Smith talking. This is one of the three major networks that televised a documentary on the practice of organ harvesting in China. In that documentary, in 1997, it depicted prisoners—these are not necessarily murderers. These are just prisoners. Some of them just put in there, actually charged with nothing—so-called crimes against the state. But it showed prisoners who were videotaped, lined up against a wall and executed with a bullet directly to the head. This, unlike a lethal injection, preserves the organs for harvesting.

The amendment also claimed the prisoners were executed on a routine basis. This was not an exception. Their organs were sold to people who were willing to pay up to $30,000 for a kidney, for example.

Human rights organizations have estimated that at that time, the time the documentary aired, more than 10,000 kidneys alone—just kidneys, not to mention any other organs—10,000 kidneys alone from Chinese prisoners had been sold, potentially bringing in tens of millions of dollars to—guess where—the money goes—the Chinese military. Does this sound like Huxley’s “Brave New World” or what—executing prisoners for the money goes—the Chinese military.

I ask my colleagues, with all due respect—and I respect the rights of Members to exercise their own views and votes; of course, it goes without saying, but I ask you: Is it unreasonable to ask my colleagues to put this in the monitoring provisions of PNTR so that we can monitor these activities and report to the world what is happening? Is that so bad? If it delays this bill a few hours, if we have to confer with the House—it is permanent—is that so bad?

We might save a few lives. The more the world knows about this, and the more world public pressure comes to the Chinese, we might save some lives. For the sake of a little time before we pass this bill that has been debated now for several days—it has been talked about for a year or two—is it so important to allow a commission to study and report on this? I ask them, is it really that big a deal for us to try to save people whose basic human right, the right to life, is being denied for the sake of organ donation? I ask, if we have to confer with the House—it is permanent—is that so bad?

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AN EXECUTION FOR A KIDNEY—CHINA

MALLACA, MALAYSIA.—The night before their execution, 18 convicts were shown a Chinese television program, their crimes announced to the public. Wilson Yeo saw the broadcast from his hospital bed in China and knew that one of the men scheduled to die would be his wife, Karen Soh, who accompanied him to China for a kidney transplant.

Mr. Yeo, 40, a Malaysian who manages the local branch of a lottery company here, says he knew the name of the prisoner whose kidney is now implanted on his right side. He knows only what the surgeon told him: The executed man was 19 years old and sentenced to die for drug trafficking. “I knew that I would be getting a young kidney,” Mr. Yeo says now, one year after his successful transplant. “That was very important to me,” he adds.

Dr. S.C. Tan, one of Malaysia’s leading kidney specialists, says the kidneys were transplanted from just eight convicts in 1998, and he foresees the practice being widespread in the future. “I think this is something that will happen to us,” he says.

Organ donation has always been an uncomfortable issue. The terminology is euphemistic and macabre: Doctors speak of “harvesting” organs from patients who are brain-dead, but whose hearts are still beating. And when the issue of executed prisoners comes into play, transplants become politically explosive:

Congresswoman Linda Smith, before she left office, introduced a resolution 3 years ago which deplored this practice and called upon the administration to bar to from entry to the United States any Chinese official directly involved in the practice of organ harvesting. It urged the prosecution of individuals engaged in marketing and facilitating these transplants under U.S. law.

There is no one in the House or Senate who would not recognize the name of Harry Wu, the renowned human rights activist, who was arrested in China, detained, and finally released. Thanks to the work of Laogai Research Foundation, we are aware of ongoing Chinese engagement in organ harvesting of executed prisoners.

It is unreasonable, it is unfair for us to add this provision that will expose this to the world and say, once and for all, that it is wrong and that we are not going to allow ourselves to be dragged into saying that, for the sake of profit, for the sake of selling wheat, corn, rice, and other agricultural products, for the sake of greed and profit, we are going to ignore this? How can we do that in good conscience?

The sad part, frankly—the American people may not understand this—about what is happening in the Senate is that people are saying: ‘Don’t vote for the Smith amendment because that is all it is, and that is all important. It is a commission. It is a token. It is a token enough to matter, and this is impossible for us to vote for it.

Mr. Leong, the Chongqing patient, and his wife, Karen Soh, who accompanied him to China, says money was paramount for the surgeons in the operation. They re-count how another malaysian kidney transplant patient was to undergo three operations while in Chongqing had run out of cash. “They stopped the medication for one day,” Mrs. Soh said, referring to the anti-rejection drugs. The patient was already very sick and eventually died of infection upon her return to Malaysia, according to Mrs. Soh.

Patients say they are advised to bribe officials who have already undergone a transplant to bring the surgeons gifts. Mrs. Young brought a bottle of perfume for the chief surgeon’s wife. “They call it ‘starting off on the right foot,’ ” Mrs. Soh said.

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indication, the tip to China provides a severe culture shock. Patients recalled unsanitary conditions, and for those who did not speak Mandarin the experience was harrowing.

Mr. Wu, speaking little Mandarin, was helped by his wife who wrote out a list of phrases for her husband to memorize. The list included: I’m feeling pain! I’m thirsty! You can turn me over..."

Mr. Leong would simply say the number that corresponded to his complaint and the nurse would check the list. But more difficult than communicating was finding the time for the transplant.

For the Leongs it involved pooling savings from family members and appealing for funds through Chinese-language newspapers. The couple amounts to two years’ salary for many Malaysians. Yet despite financial problems and culture shock, all four patients interviewed for this article said they had no regrets.

Mr. Yeo enjoys a life of relative normalcy, maintaining a regular work schedule and juggling family duties most days. He says he was so weak before his transplant that he had trouble crossing the street and climbing staircases. Four-hour sessions three times a week on dialysis--"living hell," he admits-- didn't disturb him that an executed man’s kidney is in his abdomen. "I pray for the guy and say, ‘Hopefully your after life is better.’"

Mr. Wu participated in several taped conversations with Wang, a former prosecutor from Hainan Province in China, who was attempting to sell kidneys from executed prisoners in China to potential recipients in the U.S. Wu turned over the video material to the FBI, who conducted their investigation. Mr. Wu’s early contacts with Wang involved his role in removing executed prisoners for use in transplant operations. In negotiations with Mr. Wu, Wang mentions each of these parts and calculates a large amount of money that he will take from any individual coming from the U.S. to China seeking a transplant operation. As all these governmental units collaborate to make this process possible, this amounts not to black market oriented scandal, but an effort that is sanctioned, coordinated and carried out by the Chinese governmental apparatus.

Many of Wang Chengyong’s most chilling statements involve the vastness of China’s system of organ harvesting, the execution of prisoners for use in transplant operations. According to many of Wang’s statements, this procedure is highly common in China. He emphasizes this point, "China has no lack of corpses." Later he once again emphasizes this point, "China has no lack of this... China lacks other things. China has lots of people, lots of death-row prisoners."

Chengyong also mentions the issue of consent... "In China, every year there are about 40% of the whole world’s Execution of prisoners. Execution by shooting happens a lot. Every year, right before the four festivities take place, a group of people are executed... It has been going on like this for decades."

"...And once you wander to Hainan, you got arrested and you’ll be killed over there. Before you are killed, your family members will be notified... But the hospital will tell them about taking your organs."

Mr. Wang refers directly to Chinese regulations that forbid vehicles that are marked as ambulances from entering execution grounds. (On October 9, 1984, a joint regulation was signed entitled The Provisional Regulations of the Supreme People’s Court, the Supreme People’s Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Public Health, and Ministry of Civil Affairs on the Use of Dead Bodies or Organs from Condemned Criminals. The document stipulates that "Vehicles from medical institutions may be allowed to enter the execution area temporarily, but vehicles displaying the logo of medical institutions are not be used.") Instead, the marked vehicles wait directly outside the execution area and within minutes after the shot is fired, they are permitted inside to retrieve organs from the executed prisoners. Mr. Wang describes the process as follows: "Regarding the coordination by the hospital, that is, we must tell them about the situation ahead of time... When the time comes, the hospital’s vehicle will follow the execution vehicle... However, the hospital vehicle can’t enter within the warning security line, they can only park outside of the line. But once the gun shot is fired, the replacement vehicles will come in, arriving on the site. And if there’s anything that can be done on the scene, do that or just bring it back to the hospital."

"Mr. Wang affirmed that due to this efficient process of retrieval and transport, the organ is only out of the body for a few short hours, preserving its quality. In the US where organs must be refrigerated for transport, a donor happens to die, doctors are often forced to preserve organs outside the body for longer periods of time.

Another ISSUE OF CONSENT

In his conversations with Harry Wu, Wang Chengyong also mentions the issue of consent. According to Wang, consent must only be asked of the accused’s family members. In this way, they argue, consent is free to do what they will with the body after execution. If they refuse their consent, they will be bribed and coerced until they give in. If a donor can be conned, the job is easier still because then consent is of no issue whatsoever. When asked about consent of the prisoner, Wang responds, "...In all of the United States, regarding this issue of dead people’s organs... Death penalty prisoners who are being executed... have lost all their political rights." In reference to family consent, Wang states, "as long as one gets the family’s consent, and if there is no family, once the execution is done you can take the corpses away... It is not necessary to tell them about taking their organs."

Due to the phenomenon of migrant labor entry into China’s cities all over the country, many prisoners have no family in the province where they were arrested. Wang Chengyong estimated that in the prisons of Hainan (one of the major jumps at the time for transplant organs) where he had served as a prosecutor, that about one quarter of prisoners had no family in the province. Regarding these migrants, Wang explains in the case of prisoners who had "perpetuates this practice all over China to..."
the profit of Chinese governmental officials and adding one more gruesome example to the list of human rights violations that occur in the Chinese Laogai system.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to vote for the Smith amendment on organ harvesting. Do not listen to the talk on the floor that we need to stay together on PNTR and not have any amendments which might slow down the process. I urge my colleagues to vote yes not only on the Smith amendment but other amendments that are offered by colleagues that will expose some of the basic human rights violations that have occurred in China and are still occurring in China. It is wrong to look the other way and to sanction it while we provide aid, food, and trade to this nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, the Smith amendment would require the Congressional-Executive Commission on the People’s Republic of China to monitor the actions of the Government of the People’s Republic of China with respect to the harvesting of organs from executed prisoners. I believe the allegations that Chinese officials harvest organs from executed prisoners are extremely serious. However, the Congressional-Executive Commission already has jurisdiction to look at this practice because it is a human rights violation and the Commission has jurisdiction to monitor and report on human rights violations in the PRC. This very serious allegation should not be singled out among all the human rights abuses of the Chinese government when it is already covered as part of what the Commission can monitor and report on.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Byrd amendment No. 4131. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. Gorton), the Senator from Vermont (Mr. Jeffords), and the Senator from Arizona (Mr. McCain) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. Akaka) and the Senator from Connecticut (Mr. Lieberman) are necessarily absent.

The PRESIDING OFFICER (Mr. Burns). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 29, nays 66, as follows:

[Roll Call Vote No. 240 Leg.]

YEA—33

Abraham
Ashcroft
Bunning
Byrd
Campbell
Collins
DeWine
Feingold
Gregg
Reid
Rockefeller
Sarbanes
Smith (ND)
Smith (OR)
Specter
Stevens
Warner
Wyden

NAY—66

Allard
Baucus
Biden
Boxer
Bunning
Byrd
Campbell
Cleland
Co crashed
Conrad
Craig
Crash

Dodd
Domini
Durbin
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The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware, Mr. ROTH.

Mr. ROTH. Mr. President, I ask unanimous consent that I be recognized at 1:30 p.m. to call for the regular order with respect to the Thompson amendment No. 4132.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. With this agreement in place, all Senators should know that a motion to table the Thompson amendment will occur at approximately 1:45 p.m. Therefore, the next vote will occur at approximately 1:45 p.m. today. I now ask unanimous consent that time prior to votes relative to these amendments be limited to 1 hour equally divided per amendment, with no second-degree amendments in order prior to these votes. The amendments are available: Helms No. 4123, Helms No. 4126, and Helms No. 4128. I further ask consent that Senator HELMS be recognized at 2:30 p.m. today to begin debate on amendment No. 4128 regarding forced abortions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 4132

Mr. THOMPSON. Mr. President, we have had a good debate over the last 2 or 3 days on the amendment Senator TORRICELLI and I have set forth. We have had a good discussion about the continued reports we have that the Chinese, Russians, and North Koreans continue to litter this world with weapons of mass destruction. And it endangers our security.

Bipartisan groups all across the board, just over the last 2 years, continue to remind us of this threat, that is growing—it is not diminishing; it is growing. These same people tell us that we need to continue to befriend Taiwan.

We have sent three delegations of distinguished Americans and leaders, the Secretary of Defense, the Secretary of State, high-level people, to try to get them to relent and stand down from activities that endanger us, our children, and our grandchildren and make this world a more dangerous place. The leadership of the Chinese Government give us basically the back of their hand. They make no pretense that they are not going to act any differently in the future.

So the issue presented to us is: Are we, the United States of America, the most powerful country in the world, going to do anything about it? That is the issue before us today.

We have set forth an amendment which basically tracks a lot of legislation that is already in the books in terms of cutting off military-related items and dual-use items to these governments if they are caught in this activity. But what we add is a more extensive reporting requirement so we have a better understanding and a more detailed understanding than the reports we receive now give us.

Under our amendment, it makes it a little bit more difficult for a President to game the system. The President, of course, has quoted us saying that when the law requires him to impose sanctions on a country that he does not want to impose on them, sometimes he has to fudge the facts, and the law makes him do that. That kind of attitude, when they are caught sending M-11 missiles to Pakistan and they are caught sending the ability to enrich uranium to go into nuclear materials—they are caught doing all that, with no sanctions imposed—all of that has resulted in a more dangerous world, not a safer world. And I trust, with this amendment, friendship and a strategic partnership—a more dangerous world.

So this is a good debate. My friends who oppose this amendment say all that may be true, we may be facing a situation where these nations, including China, are conducting themselves in a way that is detrimental to our interests; they may be making the world a more dangerous place, and especially the United States. If these rogue nations are able to hit countries with their missiles, containing biological weapons that are indescribable in their effect, I doubt if it is going to be Switzerland they choose to threaten with this type weapon. We are on the front line. We have a right to be concerned.

Apparently we are concerned, because we are now in the midst of a debate on a national missile defense system because of this very threat. Yet as the amendment I am proposing would do, I think we need to not complicate the trade issue. In fact, it is not a trade issue. It is NAFTA or fast track for President Clinton, I believe it. Free trade can lead to open markets. Open markets can lead to more open societies. Eventually, in the long run, it can have a beneficial effect. I think it is going to be a much longer run in China than a lot of people think, but that is another story. I am for that.

This is different. This is not just a trade issue. In fact, it is not a trade issue at all. It should not be lumped in with a trade issue. I tried my best to get a separate vote on our amendment for 2 months. The supporters of PNTR apparently thought it would be easier to
defeat me if they forced me on to this PNTR bill. So that is where we are. So be it.

But this is a national security issue. Some would say this is one of those rare circumstances that we see every once in a while where we have legitimate free trade interests we want to promote and expand, even with those who are guilty of human rights violations, even with people with whom we strongly disagree, even with people who proliferate.

I intend to support PNTR. But what Senator Torricelli and I are saying is that along with that, not in opposition to that, or not as substitute for that, we must take into consideration the totality of our relationship with this country because they are doing things that are dangerous to this Nation. That is the primary obligation of this Nation. The preamble to our Constitution says the reason we even have a Government is to look after matters such as this.

It is a good debate. We have had a good back and forth for the most part. We steer off course a little bit every once in a while. Unfortunately statements are made on all sides, but that happens. It is important. We need to take the time and talk about things that are not important. It is kind of rejuvenating when we are actually talking about something that is. I can’t think of anything more important than this.

But it has taken on a new dimension. This issue has taken on a new dimension now because what we have seen is unprecedented lobbying and pressure efforts to defeat the Thompson-Torricelli amendment. I hope we don’t flatter ourselves with that assessment. Lobbying and pressure are fairly common around here. People have a right to express their opinions.

But on this issue—not on any of these other issues, apparently, but on this issue—it has brought out those who fear that in some way some trade might be affected. Never mind that we have taken agriculture and American businesses off the board; they are not involved in this at all. Never mind that it is not a general goods sanction or anything such as that that we are narrowly focused on here. They just believe that in some way it might irritate the Chinese and they might retaliate in some way. We can’t afford to irritate them. What we need to do is continue down the road of giving them WTO, give them veto power on our national defense system, turn a blind eye to their theft of our nuclear weapons, turn a blind eye to the proliferation activity that goes over to Taiwan, adopt the three noes the Chinese want us to do and put our allies in Taiwan in a nervous state. We need to continue down that road because it has gotten us so far, it has done so much for us, that is the way we need to continue.

I picked up the New York Times this morning and read in an article by Eric Schmitt the lead paragraph:

Corporate leaders and several of President Clinton’s cabinet officers intensified pressure today on wavering Senators... All you wavering Senators out there, I extend my condolences because apparently corporate leaders and the President have managed to put some pressure on you. I don’t know why. They have said all along they have the votes to beat Thompson-Torricelli. I don’t know why all of the nervousness. I don’t know why all of the intensity. The President has sent out a letter that says, among his complaints, that our amendment is unfair. I assume unfair to the Chinese Government. That is such a remarkable statement, I don’t think I even need to reply to it.

He also has a problem because he says they have joined the nonproliferation treaty. They have joined the Chemical Weapons Convention. The Chinese Government has joined the Biological Weapons Convention and the Comprehensive Nuclear Test Ban Treaty. The only problem with that is they have routinely violated every treaty they have ever joined. And they won’t join the ones that require safeguards so people go in and inspect these facilities. He complains that it applies a different standard for some countries. Well, yes, it does. Why is that? Because our intelligence agencies have identified certain countries as being key suppliers of weapons of mass destruction. Do we not have a right to identify them and what is their status? Have they not earned that privilege?

I think the integrity of the Senate is at stake with this kind of pressure being brought to bear on a matter of national security by those who do not know anything about issues of national security.

Many of my colleagues here, of course, are experts in this area—some of them. But these folks who call themselves corporate leaders—and I don’t think they are many of them—but they say, they are very intense and interested in trade, so more power to them—apparently now they have taken on additional portfolios. They have responded to a higher calling involving issues of war and peace. Now they advise us as to what we should or should not do with regard to these proliferation issues.

Why do I say that the integrity of the Senate is at stake, and that there are those, and the corporate leaders are trying to emasculate the process with the proposition that the House can act, and when they act and put in all of their favorite causes, justified as they are, including Radio Free Asia and things such as that, which they try to express a concern about and all that, and God bless them, that is fine; but it comes over to the Senate and we are supposed to rubberstamp whatever it is that is in that House bill.

I think that in addition to that we need to send a signal about people who are making this a more dangerous world for our kids, you send that signal; we expect that of you. And if by some unfortunate circumstance we lose a dollar, so be it.

I think that is the way most people think. I think that is the way most businessmen and businesswomen think. I think that these little people who strut around up here making implied threats on campaign contributions and warning us of how we ought to vote for this, that, and the other, who don’t know what they are talking about, need to be taken down a notch or two. I haven’t been around here very long, but I have never seen anybody say that. He is warning of those who allow these folks to get tangled up in the politics of nuclear proliferation. That is
the small-mindedness we deal with here regarding this statement. I feel sorry for the men and women out there in all the Chambers of Commerce around this country, to have this kind of representation in the New York Times and how people think that that is how they deal as those of us that have in this country. The lobby is intense. I assure you it is on one side. You will not see the Halls littered with people out here saying “keep our country safe.” There are no lobbyists being paid to do that. No one makes any money off of our amendment.

There are no tanks bought; there is nothing sold. All of the lobby, all of the pressure, all of the threats are on one side. So why it would be that the opponents of our amendment who claim they have the votes don’t want to even give us a vote is something that perhaps ought to be contemplated.

Could it be that people really don’t want to go on record because they realize they are casting their fate to the good graces of the leadership of the Chinese Government—and they have a consistent pattern of this activity and we catch them from time to time? It is going to continue and we are going to continue to catch them. Could it be that some people don’t want to have cast a vote against a modest attempt for a better reporting requirement, a more transparent process, giving Congress an opportunity, in unusual circumstances, to say their say?

Again, there are two issues here now, it seems to me. One is on the merits and another is the integrity of the Senate and how we are going to handle this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. GRAMM. Will the Senator yield for a unanimous consent request?

Mr. MOYNIHAN. Yes.

Mr. GRAMM. Mr. President, I ask unanimous consent that when the Senator from California finishes, I be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Reserving the right to object, if the Senator will amend the request that I be recognized following him, I will not object.

Mr. BIDEN. Reserving the right to object, I would like to follow the Senator from New Jersey, as well. I have been waiting.

Mr. MOYNIHAN, Mr. President, might the chairman present a request in writing as to the timing? I think we might the chairman present a request in writing as to the timing?

Let me say, first of all, to most of us, the draft of this amendment was available Monday night, a little more than a day ago. Yet it is a major, long-range piece of legislation that has major implications for national security, for peace, and stability in the Asia Pacific region. To pass it without careful analysis, without full hearings, and without careful judgment is something to which I am not willing to be a party. There have been no hearings on this or any draft of this legislation. The National Security Council and the State Department have not had the opportunity to provide a full analysis of this latest version of the amendment or assess its likely short- and long-term impact.

I am one of those who believes it would, in fact, doom giving China permanent normal trading status. I am simply not willing to do that. Most importantly, I do not believe I have been able to perceive. I believe the legislation has serious flaws.

First, it focuses on three countries. It separates them from all the other countries. It applies a standard to them that exists for no one else. And I do not believe that is in the best interests of sound decisionmaking.

Second, the mandatory sanctions put in place by this amendment have hair triggers which are tripped by minimal evidence—indeed not necessarily even evidence. The raw intelligence data that provides the “credible information” trigger of this amendment requires followup, substantiation, and analysis before it is used to initiate action. It is the wrong trigger point for processes that weigh options and consider appropriate action, not an end point that instantly triggers strong responses.

Let me give you one example: In 1993, the Yin He incident, where based on “credible information” the United States publicly accused China of shipping proscribed chemical precursors to Iran. The Chinese freighter in question was diverted and every single container searched, at great cost and inconvenience to all involved. There were no horses, no banned chemicals aboard. The Thompson amendment would have mandated sanctions.

Second, there is no way to target the sanctions which would be triggered by this amendment, and no effective Presidential waiver for national security interests. It is a blunt instrument more likely to hurt American interests than to change China’s behavior.

Third, the amendment invites diplomatic and, yes, military legal problems with other countries, including allies. The amendment as drafted could create a situation whereby sanctions would be placed on corporations of allied countries that are not acting illegally.

Fourth, especially chilling is the way in which the amendment’s wording could, in effect, blacklist any company operating under this amendment’s low standard of proof.

These are just a few of the examples of some of the problems with this amendment. Several of my colleagues have discussed other shortcomings at greater length.

Automatic sanctions set off by low thresholds of evidence offer little to entice allies to join us in implementing an effective sanctions regime, but they most certainly will damage U.S.-China relations. They most certainly will weaken our ability to engage the Chinese in any kind of worthwhile dialog or influence them to change their behavior.

I urge my colleagues to join me in opposition to this amendment.

Let me, if I might, say a few things about the bilateral agreement that really is the issue before us today. I reviewed it carefully, and I believe that in this agreement China has made significant market-opening concessions to the United States across virtually every economic sector.

For example, on agricultural products, tariffs will drop from an average of 31 percent to 14 percent by January of 2004. Industrial tariffs will fall from an average of 24.6 percent in 1997 to 9.4 percent by 2005.

China agrees to open up distribution services, such as repair and maintenance, warehousing, trucking, and air courier services.

Import tariffs on autos, now ranging between 80 percent and 100 percent, are broken down to 25 percent by 2006 with tariff reductions accelerated.

China will participate in the Information Technology Agreement and will eliminate tariffs on products such as copiers, semiconductors, and related products by 2005.

It will open its telecommunications sector, including access to China’s growing Internet services, and expand investment and other activities for financial services firms.

The agreement also preserves safeguards against dumping and other unfair trade practices. Specifically, the “special safeguard rule”—to prevent import surges into the United States—will remain in force for 12 years, and the “special anti-dumping methodology” will remain in effect for 15 years.

No matter how you look at it, this benefits the United States.

I think many people have confused this PNTR vote with a vote to approve China joining the World Trade Organization. It needs to be understood that China will likely join the WTO within the next year regardless of our action. The decision will, in all likelihood, be decided by the WTO’s working group and a two-thirds vote of the WTO membership as a whole.
Under WTO rules, only the countries that have “nondiscriminatory” trade practices—that is, PNTR—are entitled to receive the benefits of WTO agreements. Without granting China permanent normal trading status, the United States effectively cuts itself out of China’s global market. We are in competition with China, Japan, France, and all other WTO nations are allowed to trade with few barriers.

In my view, this has been an interesting exercise because it has been highly politicized. The bottom line is: if we don’t grant China PNTR based on the November bilateral agreement, an agreement in which the United States received many important trade concessions and gave up nothing, we effectively shoot ourselves in the foot. We take ourselves out of the agreement. China still goes into the WTO, and those other strategic trading blocks such as the European Union receive the benefits of the bilateral agreement. We do not.

I think it is much broader than this. But I think there is an ultimate issue at stake. That is this: The People’s Republic of China is today undergoing its most significant period of economic and social transition since its founding 50 years ago. The pace is fast and the changes are large.

I am one who studies Chinese history. I have been watching China for over 30 years. I made my first trip in 1979. I try to visit China every year, if I can, and I have watched and I have seen.

In a relatively short time, China has become a key Pacific rim player, and a major world trader. It is a huge producer and consumer of goods and services—a magnet for investment and commerce. Because of its size and potential, the choices China makes over the next few years will greatly influence the future of peace and prosperity in Asia.

In a very real sense, the shaping of Asia’s future begins with choices America will make in how to deal with China.

I come from a Pacific rim State; 60 percent of the people of the world live on both sides of the Pacific Ocean. The trade on that ocean long ago overtook the trade on the Atlantic Ocean. It is, in fact, the ocean of the future.

We can try to engage China and integrate it into the global community. We can be a catalyst for positive change. Few objective observers would argue that despite the problems that still remain, there have not been significant positive changes and advances in China that have come from two decades of interaction with the United States and the West. Or, we can deal antagonistically with China. We can lose our leverage in guiding China along positive paths of economic, political, and social development, and sacrifice business advantage to take emotional actions while gaining nothing in return.

As I see it, for the foreseeable future America faces no greater challenge than the question of how to persuade China that it is in China’s own national interests to move away from authoritarian government and toward a more open, a more pluralistic and freer society. How do we convince China to make the political, economic and social changes that China must make to evolve the leadership that will make it guarantor of peace and stability in the Pacific rim, throughout Asia and the world?

I am convinced that Congress will debate few issues more important than the question of China’s entry into the World Trade Organization and whether or not we will deal with the Chinese on the basis of a permanent normal trade relationship.

Trade means change in China. Economic engagement with the United States has been one of the prime motivating factors in China’s decision to move toward a market economy and away from its self-isolation of decades. If we play this card well, we can advance social reform and economic advancement for China’s people. I remember the first time I traveled to China in 1979. I saw a land of subdued people, grey Mao suits, few consumer goods, no convenient living conditions, no personal and little personal, economic or political freedom. The economy was all centrally controlled: little private property and private business existed.

Today, the goods, services, housing, and freedoms available to residents of Chinese cities like Beijing, Shanghai, and Guangzhou are greatly improved. People have become interested in what happens outside of China. People will speak more freely. Living standards are higher. China is increasing turning to private ownership—as much as 50 percent of the economy is in private hands in boom areas like the Pearl River Delta in Southern China.

Large, inefficient state enterprises are being sold to private ownership. Entrepreneurship is on the rise in the cities in much of the countryside. Cutting our bilateral economic ties will accomplish nothing except to turn back the clock in China to favor more government controls, seek to isolate this growing economy, and very likely strengthen repressive political interests linked to protectionism and economic nationalism within the PRC.

It is evident to me that flourishing business relationships have developed increased contacts, improved mutual understandings, and personal relationships between Americans and Chinese.

This, in turn, has fostered many positive changes, as different ways of thinking percolate through Chinese society at many levels. It is there; I have seen it. American firms have brought new management styles, innovative ideas, and new work styles to China. Through their presence in China’s cities and their trade corporate philosophies, teaching Chinese entrepreneurs, managers, and workers about market economics, commitment to free flows of information, the rule of law—the most important thing—dedication to environmental responsibility, and worker rights and safety.

Yes, it is far from perfect. But are things changing? The answer by any objective criteria has to be yes. Are there flaws? Are there problems? Does China very often do stupid things? Yes: The crackdown on Falun Gong, in my view a stupid thing, an unnecessary thing, something that begins again, pushes it backwards rather than forwards. Its treatment of Tibet—has China done the wrong thing? Absolutely. For 10 years I have been saying that and will continue to say it. It makes no sense for a great nation to treat a major minority the way in which the Tibetan people are treated. I will say that over and over again. I will work to change it. And one day we will succeed and do that, too. But we cannot do it if we isolate China. We cannot play into the hands of the hardliners. We cannot do it if we create the kind of adversarial relationship that is determined to make China into the next Soviet Union. I believe that firmly, and 30 years of watching has convinced me.

American firms exercise a very real influence over the changes occurring in Chinese society. That influence will not survive the elimination of PNTR. American businesses in China bring American values to China. But, they cannot bring them if their ability to operate is undercut. History clearly shows us a nation’s respect for political pluralism, human rights, labor rights, and environmental protection grows alongside that nation’s positive interaction with others and achieving a level of sustainable economic development and social well-being.

People who have a full stomach then begin to say: What is next? People who have an education begin to question the leadership. That will happen in China just as it did in Taiwan, just as it did in South Korea. Not too long ago, both were governed by dictatorships. Given a chance, China can change as well.

If we are serious about building a peaceful, prosperous and stable Asia, if we are serious about being a force for good in the Pacific rim in the 21st century, if we are serious about working with Chinese values and respect for human rights, human rights reforms, and labor reforms in China, we also must establish permanent normal trade relations with China. This is part of the equation for making China into a member of the WTO and the world community as a whole, and saying that China must, in return, play by the same rules all other members follow. It also exposes China to sanctions in the WTO should they not. As a WTO member, China commits to eliminate barriers to its markets; to conduct WTO transparent trade practices and procedures; and to abide by WTO decisions concerning trade disputes.
The November 15, 1999 U.S.-China WTO Agreement marked successful completion of 13 years of difficult U.S.-China negotiations.

I, for one, am convinced that normalizing our trade relationship with China is absolutely the best thing for the U.S., and I believe that it is to its interest to make the necessary changes, to understand that it, too, by open doors, more ties across the Pacific, more pluralistic government, more freedoms for its people evolves as a stronger nation, not a weaker nation. That was the case with Taiwan. That has been the case with South Korea. Mr. President, it is the case of virtually every country that lives under dictatorship or absolute rule.

Pluralism results from an evolution and a growth in human standards, in economic standards in interaction with the rest of the world. China will be no different if we enable it to open itself to the world. We should be prudent, we should be watchful, we should be strong, we should confront them where wrong—no question about that. I believe we have the adequate tools to do it.

I have seen sanctions placed since I have been in this body, and I do not believe the amendment before this body will encourage the kind of behavior that can enable China to eventually be a stable, sound partner anywhere in the Pacific or elsewhere. I feel very strongly about this. I thank the Chair for his forbearance. I yield the floor.

Mr. LOTT. Mr. President, I support the amendment and oppose the motion to table. The amendment before this body will encourage the kind of behavior that can enable China to eventually be a stable, sound partner anywhere in the Pacific or elsewhere. I feel very strongly about this. I thank the Chair for his forbearance. I yield the floor.

Mr. BOXER. Mr. President, I share Senator THOMPSON's and Senator TORRICELLI's concerns about weapons proliferation, and I appreciate their bringing this important matter up for debate in a non-partisan fashion. However, I believe that the amendment they have offered to H.R. 4444, legislation that will grant permanent normal trade relations to the People's Republic of China, will do so because the agreement negotiated between the United States and China is something that can enable China to eventually be a stable, sound partner anywhere in the Pacific or elsewhere. I feel very strongly about this. I thank the Chair for his forbearance. I yield the floor.

In my view, the damage of denying China permanent normal trade relations would strike even deeper. Punitive U.S. economic policies aimed at unpalatable Chinese domestic practices will not only cut into American jobs, it will slice at China's newly emerging market-oriented entrepreneurial class, the driving force behind the very changes we seek to cultivate without eliminating the targeted abuses in Chinese society. What kind of sense does that make?

Responsible American voices in business, in education, in law, and in religion understand that attacking China through economic ties is counterproductive. It endangers the very social elements within China that are most compatible with ethical American norms.

Trade relations do not only benefit business. They are a key part of the foundation that supports the entire U.S.-China relationship. I believe that not only do we shoot ourselves in the foot by denying PNTR, we strike a blow against encouraging China to see that it is to its interest to make the

The Clinton administration says it, too, is concerned about this behavior. But it has failed—resoundingly failed—to stop it. Our CIA tells us that these activities are on-going today.

So we need to do more, and this bipartisan amendment states that either this proliferation behavior stops or real and credible penalties will be imposed.

I say to my colleagues who, like me, support granting PNTR for China: Let's not lose sight of the national security issues at stake here.

I, like Senator THOMPSON, would have preferred to consider this important legislation on another bill and not on H.R. 4444. In fact, I made every effort to see to it that the Thompson-Torricelli legislation could be considered either as a free-standing measure or as an amendment to some other piece of legislation.

However, my efforts to have the Thompson-Torricelli amendment considered separate from the China PNTR legislation was blocked. Therefore, we now are faced with a vote on the Thompson-Torricelli amendment on H.R. 4444. Given this situation, I will support the amendment to oppose the motion to table.

Mr. President, I support Senator THOMPSON's and Senator TORRICELLI's concerns about weapons proliferation, and I appreciate their bringing this important matter up for debate in a non-partisan fashion. However, I believe that the amendment they have offered to H.R. 4444, legislation that will grant permanent normal trade relations to the People's Republic of China, does not address the issue in the most positive way.

My first concern with the China Non-proliferation Act is with the name itself. The original legislation proposed by the sponsors of this amendment specifically singled out China. But, the current amendment opposes the name in favor of a non-proliferation act. However, I believe that the amendment they have offered to H.R. 4444, legislation that will grant permanent normal trade relations to the People's Republic of China, does not address the issue in the most positive way.

The second concern is that this amendment attempts to curtail the spread of weapons with a unilateral rather than a multilateral solution. It fails to do so in a non-ban fashion. It is simply designed to cut off North Korea, and Russia as nations that are named as covered countries under this proposal. I believe it is correct to expand the list of initial countries beyond China, but I still feel that on the issue of proliferation, every country should be treated with a uniform standard.

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I should say at the outset that I intend to support PNTR because I believe that, on balance, taking this step will further our national interests. But China remains, in the words of the Director of Central Intelligence, a “key supplier” of sensitive technologies to Iran, Pakistan and other countries.

I remind my colleagues that the Intelligence Committee has prepared and made available to Members a summary and comprehensive Intelligence reporting on PRC proliferation. It remains available for your review. I understand that only a handful of Senators have availed themselves of this opportunity. I urge each of you to review this very disturbing and revealing material. Without having done so, you will be voting on this amendment ignorant of the facts as we know them.

Whether you choose to vote for or against this amendment, you must not do so without a full appreciation of the facts.

Suffice it to say that China has not improved its poor proliferation record.

In light of the poor Chinese proliferation record, I believe that risks associated with approving PNTR are managed better through non-Torricelli amendment is enacted with our new trade relationship with China.

Since the sponsors and other Senators are addressing the threat to our national security posed by Chinese proliferation, I will primarily focus on some of those aspects of the problem of greatest concern to the Intelligence Committee.

Tracking the proliferation of weapons of mass destruction has been among the Intelligence Committee’s very highest budgetary priorities. This is because proliferation is one of our most daunting and resource-intensive intelligence challenges. The materials and technology to build nuclear, biological, and chemical weapons...are...used for peaceful purposes.

Our Intelligence analysts must compile all the facts to determine the likely use of these materials. This really is rocket science, and nuclear science, and biological and chemical science. Tracking proliferation is not only difficult, it is a critical mission. Timely intelligence provides us with the information we need to support our efforts to deter the proliferation of WMD from the People’s Republic of China and Russia, from selling nuclear, chemical, biological or missile technologies to rogue states or regions of instability.

When deterrence and dissuasion fail, timely intelligence also will support efforts to counter the proliferation and use of missiles and weapons of mass destruction.

What is especially frustrating for me, as chairman of the Intelligence Committee, is that while the Intelligence Community is doing its job, gathering intelligence at great expense and risk about who is selling and who is buying technologies of mass destruction, this intelligence is ignored by policymakers.

Policy makers have frequently circumvented our sanctions laws by avoiding reaching a determination that could trigger sanctions. They have ensured that the bureaucratic process for reaching a determination that would lead to sanctions is never started, or completed, or impossible standards of evidence are set, so that a judgment never has to be reached.

A case in point is the notorious M-11 missile. After years of closed door deliberations on this issue, in September of last year, for the first time, the Intelligence Community stated publicly its longstanding conclusion that “Pakistan has M-11 SRBMs [Short Range Ballistic Missiles] from China.

Lest anyone miss the significance of these Chinese missiles now in the hands of Pakistan, or their contribution to instability in South Asia, the community assessed further that these missiles have been delivered to Iran.

Sales of M-11 technology have twice triggered sanctions against the PRC under the Arms Export Control Act and Export Administration Act. The sale of M-11 missiles should, under current law, have triggered additional, even stricter, sanctions.

But despite the clear, and public, conclusion of the Intelligence Community, the State Department has suggested that the Intelligence Community’s finding that the M-11 missiles were sold by the PRC to Pakistan did not meet its “high standard of evidence.”

Failure to follow through on the facts, however unpleasant the facts may be, undercuts the credibility of our entire nonproliferation policy.

I am hopeful that the Thompson-Torricelli amendment will force a more robust response to the intelligence collected on proliferation. Under this amendment, policy makers will be forced—an on an annual basis—to collect the evidence of proliferation and provide a report to Congress. This report will be more comprehensive and focused than those we have received to date.

The report must identify persons from China, Russia, North Korea and other states where there is credible evidence that this person has contributed to...the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic missiles.

The report also will identify any person...engaged in activities prohibited under the
relevant treaties and agreements regarding the possession and transfer of chemical, biological, and nuclear weapons.

The President is directed in the China Nonproliferation Act to report information on non-compliance with international arms control and proliferation agreements by the covered countries.

Finally, the report must include an assessment of the threats to our national security, and that of our allies, resulting from proliferation—whether or not this proliferation can be determined to meet the legal or evidentiary standards the State Department asserts to avoid reaching sanctions judgments.

This will go a long way towards compelling the State Department to acknowledge serious instances of nuclear and other proliferation.

Furthermore, the Director of Central Intelligence is required to reach a determination regarding what transfer or sale of goods, services, or technology have a “significant potential to make a contribution to the development, improvement, or production of nuclear, biological, or chemical weapons or of ballistic or cruise missile systems.”

Again, mandating this report will allow us to avoid the unpleasant situation we have been in for years in which the President has been able to avoid reaching necessary judgements about proliferation activities and their consequences.

This report will contribute significantly to the ability of the U.S. Congress to conduct oversight and to make informed judgements on matters of national security.

The information detailed in the report should better enable us to judge the appropriateness and, over time, the effectiveness of the sanctions provided for in this amendment.

Some have complained that this bill forces the President to impose sanctions. This is not the case. The amendment provides adequate flexibility to the President since he can waive the sanctions.

However, he must specify his reasons for doing so, and Congress may disagree through procedures set out in the bill. This legislation will make Presidential decision-making more transparent and will ensure that the President’s decision is based on the best intelligence available.

Mr. President, would our citizens want to continue to sell items on the United States Munitions List to an individual that has contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles for a third party or state?

Would our citizens want to continue to license dual-use items that could contribute to this individual’s proliferation of weapons of mass destruction?

Would our citizens want to continue to provide that individual Government assistance in the form of grants, loans, or credits?

Would our citizens want to continue to co-develop or co-produce items on our munitions list with that individual?

Of course not. Of course not.

I hope we can agree that the United States should neither reward nor contribute to proliferation of the weapons that threaten our own Nation.

Without question, the imposition of sanctions against another nation or foreign companies is always a serious matter.

The imposition of sanctions has significant foreign and economic policy consequences for the United States and should not be undertaken lightly.

Because sanctions can be costly for our own American industries, we must be sure there is a clear national security rationale for the that will be advanced by the sanctions.

Curbing proliferation meets this test. The President has declared the proliferation of weapons of mass destruction to be a “national emergency,” and I think most of us agree with that declaration.

I support the Thompson-Torricelli amendment because it takes a balanced, measured approach to the problem of sanctioning Chinese proliferation activities, and similar activities of other countries.

In particular, it creates a process to ensure that the U.S. response to future activities of proliferation is never the result of the self-deception that characterizes the current process.

I believe this bill will bring us closer to a situation in which the PRC and other supplier nations clearly understand that there will be serious consequences when they engage in proliferation of weapons of mass destruction that threaten the United States, its allies, and friends.

I urge adoption of the Thompson-Torricelli amendment and yield the floor.

Mr. ASHCROFT. Mr. President, as this body discusses the China Non-proliferation amendment, I would like to comment briefly on Chinese actions that have not only damaged the national security of the United States, but are antithetical to the peace and stability of the entire world—weapons of mass destruction and missile proliferation.

I am dismayed that the government of the People’s Republic of China has consistently brutalized its own population, intimidated its neighbors, and provided the world’s most dangerous technology to “States of Concern”—in direct violation of international agreements, domestic law, and fundamental international standards of behavior.

It is time for the Senate to speak in a clear, definitive voice against China’s actions.

The facts are that China has provided nuclear, biological, and chemical weapons technology, along with ballistic and cruise missiles to “States of Concern”—previously referred to as “Rogue Nations”—including Iran, Pakistan, Iraq, Libya, Syria, North Korea, and Algeria. Congress should not stand idly by as China continues these practices.

Passage of the China Non-Proliferation amendment is a prudent step in the right direction to address this problem. This amendment is both a reasonable and measured response to the serious situation that this Administration has allowed to continue.

While I prefer to see this bill, the China Non-proliferation Act, passed as a separate measure and not as an amendment to the China-Permanent Normal Trade Relations, PNTR, bill, it is now clear that the critical and timely nature of this issue, combined with the counterproductive actions of those trying to prevent its consideration, have left us in the position of having to vote on this today. I reject the notion that this vote on this amendment is a vote against granting PNTR to China.

This is simply not the case. The Thompson amendment will not kill PNTR or even place conditions on granting PNTR for China. This amendment will simply stop the flow of unauthorized information on nuclear, biological, and chemical weapons technology by creating real consequences for proliferating countries.

I believe that these consequences, coupled with strong leadership by the Executive Branch, can dramatically slow proliferation.

Senator THOMPSON’s amendment addresses proliferation concerns by requiring the President to submit a report to Congress identifying every person, company, or governmental entity of the major proliferating nations—China, Russia, and North Korea are currently on this list—against which credible evidence existed that the entity contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles by a foreign person. Based on this report, the President would then be required to impose specific measures against foreign companies in these countries who have been identified as proliferators.

For example, under this amendment if a Chinese company provided nuclear technology to Iran, the United States would deny all pending licenses and suspend all existing licenses for the sale of military items and military-civilian dual-use items and technology as controlled under the Commerce Control List. In addition, the President would be required to impose an across-the-board prohibition on any U.S. government purchases of goods or services from, and U.S. government assistance, including grants, licenses, credits, or guarantees, to this company.

In addition to the mandatory sanctions imposed on proliferating foreign
companies, the amendment would also authorize the President to impose discretionary measures against the key supplier countries. Foreign companies do not act alone in the proliferation of weapons; it is quite clear that China, Russia, and North Korea all actively support proliferation activities, and therefore must be held accountable for their actions. This amendment recognizes this truth and would empower the President to apply discretionary measures against them as well, such as:

- Suspending military-to-military contacts and exchanges between the covered country and the United States;
- Suspension of all United States assistance to the covered country by the United States Government;
- Prohibition on the transfer or sale or after-sale servicing, including the provision of replacement parts, to the covered country or any national of the covered country of any item on the United States Munitions List, which includes all military items, and suspension of any agreement with the covered country or any national of the covered country for the co-development or co-production of any item on the United States Munitions List, which includes military-civilian dual-use items, that is controlled for national security purposes and prohibition of after-sale servicing, including the provision of replacement parts for such items;
- Denial of access to capital markets of the United States by any company owned or controlled by nationals of the covered country;
- Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List, which includes military-civilian dual-use items, that is controlled for national security purposes and prohibition of after-sale servicing, including the provision of replacement parts for such items.

Due to the highly sensitive national security issues involved in cases of proliferation, any of the sanctions can be waived by the President if he determines: (1) that the person did not engage in the proliferation activities; (2) that the supplier country was taking appropriate actions to penalize entities for acts of proliferation and to deter future proliferation; or (3) that such a waiver was important to the national security of the United States.

I believe that these measures, affecting both the proliferating company and country, if applied consistently and fairly by the President, can and will stem the serious problem of weapons proliferation. China, along with Russia and North Korea, must understand that there are real consequences for continuing this reckless behavior, and the United States must take a stand and lead the charge to stop such proliferation. Passage of the Thompson amendment will accomplish that goal. A firm stand against proliferation is desperately needed. Chinese proliferation, along with that of Russia and North Korea, is related to the undermining of the deterrent of America’s national security. It is well documented that China has provided sensitive technology to at least seven States of Concern, including Pakistan, Iran, Iraq, Syria, North Korea, and Algeria. Most notably, China has provided missile technology to these states that has explicitly threatened the security of the United States and actively sponsored terrorism. The remaining countries are in regions where war is commonplace and the consequences for the use of WMD would be especially devastating. Of these proliferation cases, the two most horrendous cases are Pakistan and Iran.

Pakistan is a nation of tremendous unrest and instability, and China has provided it with nuclear and missile technology. Born in conflict, Pakistan was created with India out of one people and one territory, and conflict has defined this nation throughout its history. Pakistan fought three wars and numerous border skirmishes with the especially adversarial India. These battles have been mostly fought over the hotly contested Kashmir region bordering northeast Pakistan. The Kashmir conflict is widely accepted by International Affairs and Defense experts as being the primary conflict that could erupt into a nuclear war. China, to a great extent, has not only fostered the conflict through political posturing and land-grabbing, but it has also provided the nuclear weapons that would be used in such a war. China continues to provide critical nuclear and missile related technology to Pakistan, thereby further escalating the arms race and underlying conflict.

In May 1998, India and Pakistan tested a total of ten nuclear devices. This ushered Pakistan into—and reestablished India as part of—the world’s most exclusive club of nuclear weapon states. Although India’s nuclear program was created from mostly indigenous sources, Pakistan’s nuclear program was purchased from the People’s Republic of China. A recently declassified Central Intelligence Agency report states that during the early 1980’s, China provided Pakistan blueprints of the nuclear device that was tested in 1966. It appears it took Pakistan almost 20 years to test a weapon because they had difficulty translating the blueprints from Chinese. Since the 1980’s, China has consistently provided Pakistan additional nuclear components and missiles. China has operated the Pakistani Cowhide Uranium-enrichment plant (needed for nuclear weapons production), provided designs for additional bombs and reactors, sold weapons grade uranium, sold 5,000 pounds of unenriched uranium to the nuclear enrichment program, and continues to provide assistance to nuclear facilities that are not safeguarded by the International Atomic Energy Agency, IAEA. The IAEA ensures that nuclear facilities are not producing nuclear weapons grade material.

China has also provided Pakistan with complete nuclear-capable missile systems. One widely reported missile transfers are the M-11 missile, also called the CSS-7 or Ababeel. This nuclear capable missile, designed and produced in China, has a 300-kilometer-range—placing it in the highest category of WMD that has cities at risk. Although it is unclear how many M-11s Pakistan currently possesses, it appears that China has been providing these missiles for almost a decade.

Pakistan’s nuclear-capable Medium Range Ballistic Missiles, (MRBM), named Ghauri and Shaheen, were developed as a result of extensive Chinese technology and assistance. The Ghauri has a quoted range of 1500 km, but during the actual flight test, the Ghauri flew only 600 km. Even at this short range, the Ghauri has the potential to hit major cities, including New Delhi and Bombay, would be at risk. The Shaheen, although not flight tested, is reported to have a range of 700 km, making its strike distance comparable to the Ghauri. What is especially disturbing is that this is just the beginning of the Chinese proliferation record regarding Pakistan. These transfers have allowed Pakistan to amass an incredibly capable and frightening nuclear and missile force. These transfers are in direct violation of international and domestic law. It is apparent that China and Chinese businesses have violated the Missile Technology Control Regime, the Arms Export Control Act, the Export Administration Act, the Non-Proliferation Treaty, the Export-Import Bank Act, and the Nuclear Proliferation Prevention Act.

With all these violations of international and domestic law, one must ask the question, “What has the Clinton Administration done to stem the flow of nuclear and missile technology?” The answer is sadly, “very little.” The Clinton Administration imposed only mild sanctions on China for providing the M-11 technology. However, these sanctions were quickly lifted when China “agreed” not to continue providing missile technology to Pakistan. Despite this “agreement,” China has not stopped the provision of nuclear and missile technology.

I am troubled that the President seems to have accepted Chinese promises and reassurances without thoroughly examining the facts. For example, a July 1997, CIA report concluded that “China was the single most important supplier of equipment and technology for weapons of mass destruction” worldwide, and that China continues to be Pakistan’s “primary source of nuclear-related equipment and technology.”

China’s Foreign Minister, Qin Tiaoke, responded characteristically to these charges by stating that “China’s position on nuclear proliferation is very
clear . . . It does not advocate, encourage, or engage in nuclear proliferation, nor does it assist other countries in developing nuclear weapons. It always undertakes its international legal obligations of preventing nuclear proliferation and is always honest and responsible in handling its nuclear exports and exports of materials and facilities that might lead to nuclear proliferation.” The Clinton Administration was apparently reading from the Chinese script when Peter Tarmoff, Under Secretary of State, said during a Congressional hearing that, “. . . we (the United States) have absolutely binding assurances from the Chinese, which we consider a commitment on their part not to export ring magnets or any other technologies to unsafeguarded facilities . . . The negotiating record is made up primarily of conversations, which were detailed and recorded, between US and Chinese officials. Within the overwhelming evidence, it is mystifying that the Chinese spokesman could make such statements with a straight face, and it is extremely disappointing that the Administration apparently took China at its word.

More than one and half billion people live in South Asia. I believe that Pakistan would not be in the position to start a nuclear war without Chinese assistance. Although we cannot reverse proliferation in Pakistan, we can, and should, take a stand to stop further transfers to Pakistan and other countries through passage of the China Non-Proliferation Act. Without taking a stand here, what will stop China from providing nuclear and missile technology to Palestine, or Sudan, or the renowned terrorist Osama Bin Laden? The United States must take the lead, as the world’s only Superpower, and stand against nuclear proliferation, which damages the security of the entire region.

Not only has China provided nuclear and missile technology to the dangerous and unstable region of South Asia, China has provided sensitive technology to Iran. Iran has been identified by U.S. government agencies, organizations, and entities, along with independent national security experts, as one of the major threats to U.S. security. Iran’s threat stems from several significant factors including its large population, its nuclear arsenal, its strategic and political location in the Middle East—all along the straits of Hormuz and the Caspian Sea; an Islamic fundamentalist government; a drive to obtain weapons of mass destruction along with their associated delivery vehicles; stated opposition to the United States and United States’ national interests; opposition to the Israeli-Palestinian Peace Process; the de-stabilization of Lebanon—Israel’s northern neighbor; and the use and proliferation of weapons in that country and around the world. Due to these facts, the idea of providing nuclear, biological, chemical, and missile technology to Iran seems unbelievable, but it is a sad reality.

According to a 1999 CIA report, “Iran remains one of the most active countries seeking to acquire Weapons of Mass Destruction, WMD, and Advanced Conventional and Advanced Technology from abroad. In doing so, Tehran is attempting to develop an indigenous capability to produce various types of weapons—nuclear, chemical, and biological—and their delivery systems.” Iran is obtaining much of this technology from China and Russia.

The CIA report continues, “for the second half of 1999, entities in Russia, North Korea, and China continued to supply the largest amount of ballistic missile-related goods, technology, and expertise to Iran. Tehran is using this assistance to support current production programs and to achieve its goal of becoming self-sufficient in the production of ballistic missiles. Iran already has short-range ballistic missiles, SRBs, and has built and publicly displayed prototypes for the Shahab-3 medium-range ballistic missile, MRBM, which had its initial flight test in July 1998. In addition, Iran’s other long-range missile, which it publicly acknowledged the development of the Shahab-4, originally calling it a more capable ballistic missile than the Shahab-3, but later categorizing it as solely a space launch vehicle, could have its first flight test this year. Iran’s Defense Minister also has publicly mentioned plans for a “Shahab 5.” Such statements, made against the backdrop of sustained cooperation with Russia, North Korea, and Chinese entities, strongly suggest that Tehran intends to develop a longer-range ballistic missile capability in the near future.” These longer ranged missiles would be capable of striking targets in Europe and perhaps in the United States.

China is “a key supplier” of nuclear technology to Iran, with over $60 million annually in sales and at least fourteen Chinese nuclear experts working at Iranian nuclear facilities. In 1991, China supplied Iran with a research reactor capable of producing plutonium and a calutron, a technology that can be used to enrich uranium to weapons-grade. (Calutrons enriched the uranium in the “Little Boy” bomb that destroyed Hiroshima, and were at the center of the 1970s effort to develop an Iraqi nuclear bomb.) In 1994, China supplied a complete nuclear fusion research reactor facility to Iran, and provided technical assistance in making it operational. China also continues to work with two Iranian nuclear projects, a so-called “research reactor” and a zirconium production facility. It is well documented that China has provided Iran “considerable” chemical and biological weapon-related production equipment and technology.

In summary, Iran has obtained ballistic missile technology for Iran’s growing missile capability. Among other transfers, in 1994, China provided hundreds of missile guidance systems and computerized machine tools. This is just the beginning of Chinese proliferation to Iran.

The sad fact is that Iran would not have these capabilities without China’s assistance and assistance from Russia. Although these transfers violate almost every non-proliferation law on the books, the Clinton Administration has only taken small and random acts against selected Chinese companies. These meaningless acts have done little to stem the proliferation, and without stronger laws, Chinese proliferation will continue.

It is time for the United States to respond with authority to the continued threat of weapons proliferation. Although we need a President who is willing to lead, we also need more effective laws mandating the President to impose sanctions on foreign companies when they engage in proliferation, and authorizing him to take actions against individuals violating international law. This is what the China Non-Proliferation Act will do, and I support passage of this amendment.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that the following Senators be permitted to speak for up to the designated times in the following order: Senator Kyl, 5 minutes; Senator Breaux, 10 minutes; Senator Torricelli, 10 minutes; Senator Hatch, 10 minutes; Senator Gramm, 10 minutes; Senator Thompson, 10 minutes; Senator Roth, 5 minutes. I further ask consent that the vote occur no later than 1:45 p.m. this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the remarks of the Senator from California to return the debate to the Thompson amendment, the question before us immediately is not whether PNTR should be granted but whether the Thompson amendment dealing with national security issues should be supported. PNTR is going to pass this body early next week. The question is whether at about 1:45 p.m. or so this body will table the Thompson amendment.

The Thompson amendment would set up a regime that would stop the proliferation of weapons of mass destruction by China. In the past, each year we have been able to review the Chinese trade, national security, and even human rights issues, and because we had an annual review, we were able to deal with those issues in this body, as well as from a diplomatic point of view the administration’s dealings with China.

PNTR will remove that annual review, the requirement that we affirmatively support the proliferation of weapons of mass destruction by China. It would allow China then to join the WTO, and that is fine as a matter of trade. But we have to have some parallel way of ensuring
from a national security standpoint that China stops the proliferation of weapons of mass destruction.

The Thompson amendment sets up a process whereby the Chinese actions are reviewed and the President can impose sanctions if appropriate, but if he does not impose sanctions in those circumstances—he does have a waiver authority—he is required to report to Congress why not. There is nothing unreasonable about this particular proposition.

Yesterday I talked at length about the reasons for it. I will mention two: The proliferation of M-11 cruise missiles by China to Pakistan, for example, which has not resulted in appropriate sanctions by the United States and, more recently, the transfer of sea-based cruise missiles to Iran.

We remember what happened to the Stark, the U.S. destroyer in the Persian Gulf, when several Americans lost their lives as a result of a sea-based cruise missile. This question here is particularly interesting because the Senate voted 96-0 that the Chinese actions in supplying these cruise missiles to Iran was a violation of the Gore-McCain Iran-Iraq Nonproliferation Act. In other words, China is not supposed to send this kind of weapon to countries such as Iran. The Senate has been on record unanimously that it was a violation of the act. The administration has done nothing to impose sanctions, or even to act to stop China from that kind of proliferation. That is why the Thompson amendment is necessary.

Trade, in other words, cannot be the only thing that defines the relationship between the United States and China. The Senate has to balance other things than trade, including our national security obligations.

It has been said that we cannot support the Thompson amendment, not because of the idea but because if there is any change to this bill in the Senate, if it goes back to the House of Representatives, they will not pass it. One of two things is true: Either there is support for PNTR and the House of Representatives will quickly act on the Thompson amendment, and, in fact, if the two are joined and sent to the House, as I was advised yesterday, support would fall off in the House to the point where there are 40 people over there who no longer support PNTR and would not vote for the bill.

Obviously, it would be an anti-democratic action for us to proceed with something that no longer enjoys a majority support in the House of Representatives. I cannot believe that many people would switch their vote on PNTR. They still, of course, can vote against the Thompson amendment if we send it over to them.

The fact is, we have 5 weeks to go. The House of Representatives has 50% of the time to debate this issue. They are committed to PNTR, as I know the leadership of the Senate is. I cannot believe amending the bill with the Thompson amendment would destroy PNTR. Remember, too, that it is the opponents of the Thompson amendment who forced Senator Thompson into using this vehicle of amending PNTR as the only way to achieve his goal of establishing a nonproliferation regime with respect to China. He offered to do it in freestanding legislation. He was rebuffed. He offered to do it after the debate. He was rebuffed. In effect, they knew they had the best chance of defeating him if they could force him to amend PNTR because then they could argue they were all for it in substance, but they did not dare let it pass as a procedural matter because the House then would have to deal again with PNTR.

I think this is the most cynical of strategies. I wish the issue had not come up in this way. I urge my colleagues at the appropriate time, in about 45 minutes, not to table the Thompson amendment. Give Senator Thompson the chance to vote on his amendment. It is the fair thing to do. It is the right thing to do and, from the standpoint of the responsibilities of all of us in this Chamber as Senators who have responsibility both for trade and for national security, the Thompson amendment is the right thing to support.

Thank you, Mr. President.

Mr. TORRICELLI addressed the Chair.

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

Mr. TORRICELLI. Under the previous order, Senator BIDEN was to be recognized at this point. I ask unanimous consent that I be allowed to proceed under his time and that, in turn, he proceed following the conclusion of my remarks.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I think it is important to remind the Senate of the issue before the body. It has been argued that China should be allowed into the World Trade Organization. That is not a question of this amendment. China is coming into the World Trade Organization under PNTR.

It has been argued that there should not be an interference in trade between China and the United States; it was argued stridently by my friend and colleague from Arizona that not before the Senate under this amendment.

It has been argued that the internal politics of China should not interfere with trade. That is not before the Senate. The Senate has defeated the measures on internal matters in China. It is going to support WTO and the PNTR. The issue before the Senate is narrowly defined.

Under Thompson-Torricelli, there is a single issue before this body: Whether repeated acts of violation of nonproliferation agreements by Chinese companies will give the President the authority, which he will have the right to waive, to interfere with Chinese ac-

cess to American capital markets. That is the only issue before the Senate.

I recognize that we come to this institution with a variety of local interests. Some of us represent agricultural interests and the industry and some business; some in the West, some in the North; some in the South; some in the East; some rural; some suburban. We have one unifying common interest—the national security of the United States. Whether or not we disagree on whatever our priorities, whatever our philosophy, that single guiding responsibility unites us all.

I recognize there are economic interests in the country that are on different sides of the issue of PNTR. But on this single issue, the proliferation of dangerous weapons of mass destruction that are a threat to the life and the security of the United States of America, we can find common ground.

Indeed, as enthusiastic as any individual farmer in America may be to get access to Chinese markets, notwithstanding the fact that this amendment does not deal with agricultural exports, I challenge every Member of this Senate to find an individual American farmer who, even if this amendment did threaten agricultural exports, would trade a single sale for the United States not being resolved in denying Chinese companies the ability to export missile or nuclear or biological technology that threatens the American people.

Find me a single high-tech executive, who had the choice between an individual contract and the ability to restrict a single Chinese company from selling technology that threatens the United States of America, find me one who would not take a stand for this amendment.

Individual interests, I understand them.

My friend and coauthor of this amendment, Senator THOMPSON, stood on the floor reciting comments by the president of the U.S. Chamber of Commerce, who threatened retribution against Senators who support Thompson-Torricelli and cited the “politics of nuclear proliferation.”

What have we come to as an institution? The “politics of nuclear proliferation”? I thought the issue of nonproliferation knew no politics, was supported by Democrats, Republicans, liberals and conservatives. We can all differ on some of the strategies in defending the United States. We may differ on the question of a missile shield defense. We may differ on how we allocate our national defense resources. But I thought the question of proliferation was the one unifying aspect of our foreign policy that knew no bounds—we are all united in the question that there are some governments that are so irresponsible, some nations that live so far out of the norms of accepted behavior that they must be denied these weapons.

The evidence is unmistakable that the People’s Republic of China, despite
20 years of commitments to accede to this policy of denying these rogue nations these technologies, continues to export this dangerous technology. The evidence is overwhelming.

The Director of Central Intelligence reported to Congress last month that China has increased its missile-related assistance to Pakistan, continues to provide assistance to Iran, North Korea, Libya; that China has proliferated to Pakistan.

This Senate has debated what to spend and how to spend to defend ourselves against the possibility, by 2005, of nuclear-tipped missiles from North Korea. We have all lived in anguish with the destruction of American citizens by the terrorism in Libya and Iran.

Now before this Senate is the most modest of amendments—not an interference with trade; not a restriction on exports, though indeed that may be justified. It is an attack against the violations of workers’ rights or human rights, though that may be arguable. We have not dared, in the most modest of positions, to ask, to request, to suggest any of those things. Just this: That the authority exists to deny companies the people’s Republic of China that consistently, regularly are found, by overwhelming evidence, to be proliferating dangerous technologies that threaten the United States of America, access to our capital markets. That would be too ambitious to ask, so we have given the President waiver authority to cancel that restriction and simply tell the Congress why he did so.

Is there a man or woman in the Senate who thinks this request is so ambitious, would so threaten the economic life of the United States, that we cannot ask this? I challenge my colleagues in the Senate, if you will not accept the evidence from the Director of Central Intelligence on this proliferation, if you will notcede the warning, accept the overwhelming evidence of this proliferation and the threat it constitutes to the United States of America, then have the intellectual honesty and courage to rise on the floor of this Senate to say the Central Intelligence Agency no longer provide this evidence. Because if you will not read it, you will not accept it, and you will not act upon a request that is this modest in scope, then have the intellectual honesty not to even call it.

I say to my colleagues, it has been stated on this floor that the history of economic sanctions has been uniformly disappointing; that there is no evidence that they succeed. In the long history of economic sanctions, this would be the most modest. We interfere with no trade, restrict no product, restrict no market, only the raising of capital, and only then if the President does not exercise a waiver.

But even if this were a more ambitious amendment, do my colleagues in the Senate really want the record to reflect that we do not believe economic sanctions are ever justifiable or ever successful, particularly members of my party?

The birth of economic sanctions was from Woodrow Wilson, former Governor of my State, who believed they were the civilized alternative to avoiding armed conflict, modern war. They are not a perfect weapon, but they have avoided conflict.

Who here would rise and say that unilateral sanctions by European states against South Africa and apartheid was wrong, or against Rhodesia or against the Soviets after invading Czechoslovakia? Who here would argue that they were wrong against Cambodia after the death camps? Who would argue they were wrong against fascist Italy, against Abyssinia and Ethiopia? Who here would argue that Roosevelt was wrong in using them against the Nazis or the Japanese invasion of Manchuria or Wilson himself against unrestricted submarine warfare in the North Atlantic? For the entire 20th century, these sanctions have been used—not a perfect tool, not always successful, but always an alternative to conflict and in defense of the national security.

That is true before the Senate again. Because while these may not be sanctions, because it may appear the Senate, given the economic opportunity, would not accept them, Senator Thompson and I have offered something far less ambitious, a simple standby authority. But it is an alternative.

What will we say to the American people if one day we discover that missile or nuclear or biological weapons are in the hands of our most feared enemies threatening the lives of the American people? Someone on this floor would be right to rise and quote the old Bolshevik maxim: They will sell us the rope with which we will hang them.

No one on this floor wants to provide that explanation. I urge support for the Thompson-Torricelli amendment. It is right. It is modest. I believe the Senate would be proud to take this stand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. How much time do I have?

The PRESIDING OFFICER. Under a previous order, the Senator has 10 minutes.

Mr. BIDEN. Mr. President, I oppose the amendment by the Senator from Tennessee.

Although well-intentioned, the Thompson amendment—the so-called “China Nonproliferation Act”—is a deeply flawed approach to addressing the proliferation problem.

At the outset, let me stipulate to a party?

With this amendment, the proliferation of weapons of mass destruction poses a serious threat to our national security. I commend him for his concern, which I know is sincere.

Second, I agree with the Senator’s assertion that the People’s Republic of China has a poor proliferation track record. China’s exports of weapons of mass destruction and the means to deliver them have made the world a more dangerous place.

Unfortunately, our concerns are not all historical. You wouldn’t find much ardent support in this body, I note, for the Eisenhower administration’s decision today to impose sanctions on China—using existing law—for its continuing export of ballistic missile technology to Pakistan.

The debate isn’t about whether China has a clean record in the area of non-proliferation. It does not. Period. No, this debate is about how we get the Chinese and other proliferators to clean up their act. So I ask my colleagues to keep their eyes on the ball. The question each of us should ask as we evaluate the Thompson amendment is this: At the end of the day, is the Thompson amendment likely to improve U.S. security by reducing the spread of weapons of mass destruction and the means to deliver them?

I believe the answer is no. The legislation offered by Senator Thompson is deeply flawed. Since its introduction, the Thompson amendment has been revised at least three or four times. I give the Senator credit for trying to fix the bill’s many flaws. Unfortunately, with each version, this bill has not substantially improved.

In its earliest iteration, at least we knew what this bill was all about. It was all about undercutting the very normal trade relations that we are about to vote to make permanent with China and instead treating China like a virtual enemy.

The likely effect of the original version of the “China Nonproliferation Act” was to gut normal trade relations with China, shut down trade in dual-use items, deny China access to our capital markets, end educational and scientific exchanges, and suspend the bilateral dialogue on a range of important issues, including counter-narcotics and counter-terrorism.

It was clear-cut. It was unambiguous. And it was unambiguously contrary to the national interest.

The current version of the amendment does not have that coherence. Rather, it is a legislative stew containing an assortment of ingredients, none of which go together. It has several major flaws.

The first major flaw is that although the sponsors have advertised the amendment as targeting certain rogue states, in fact it also targets American financial firms located in several Western nations.

On its face, the amendment purports to target only those countries highlighted by the Director of Central Intelligence in a seminannual report as “key suppliers” of weapons of mass destruction and missile technologies. Those countries, under the most current version of this report, released

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earlier this summer, are China, Russia, and North Korea.

But closer examination of the amendment reveals that it would likely expose some of our closest allies—and even U.S. firms—to scrutiny under this bill.

Let me explain. This is a bit complicated, so I hope colleagues will bear with me.

Under the amendment, the President must submit a report to Congress annually identifying every person of a covered country for whom there is credible information indicating that such person has transferred dangerous technology to other foreign entities or has diverted U.S. technology in such a way as to contribute to development of weapons of mass destruction.

A "covered country" is a term that is defined in the bill: it is any country identified by the Director of Central Intelligence as a "source or supply" of dual-use or other technology in the most current report required under Section 721 of the Intelligence Authorization Act for Fiscal Year 1997. A country is also a "covered country" if the United States firms, for two reasons—(1) United States firms, excluding any loans, credits, or guarantees to such firms.

So what does this mean?

It means the President will have to report to Congress on any "credible information indicating that such person has on either (1) United States firms, or (2) European firms regarding transfers of dangerous technology. Sanctions are unlikely to result against U.S. or European firms, for two reasons.

First, after this report is provided to Congress, the President must then formally determine that the firm has actually engaged in the proliferation activity—not merely that there is credible information that it has.

Second, even if the President makes such a determination, the amendment exempts from the sanctions any nation that is part of a multilateral control regime on proliferation—as the United States and the major Western powers are.

But for the firms named in this original report, the damage will have been done.

First, the companies will surely be subject to negative publicity based on the very low "credible information" standard—and suffer financial and other damage that may flow from such publicity. Second, Section 8 of the amendment requires the firm, if its stock is listed on U.S. capital markets, to make this information—that is, the information that they have been cited in the presidential report—available in reports and disclosure statements required under the Securities Exchange Act.

In short, the bill places a "scarlet letter" on the reputation of firms based on information that may later prove to be unfounded.

This is an extremely high bar, which requires the President to shoot first, and ask questions later.

The second major flaw of the bill is that the amendment is its rigidity. It imposes a one-size-fits-all straightjacket on the President—forcing him to impose the same set of sanctions against an offending company, no matter the gravity of the violation, and it requires him to impose the same set of sanctions in every instance.

Under the amendment, if the President determines that a person or firm has engaged in prohibited proliferation activity, then the President must apply five different penalties on such firms—including a ban on military and dual-use exports from the United States to the offending country, a ban on the provision of any U.S. assistance, including any loans, credits, or guarantees to such firms.

This would include Export-Import Bank financing and assistance from the Overseas Private Investment Corporation.

The President has no flexibility to tailor the penalty to fit the crime. He must impose all five punitive measures against the offending person for at least one year—even if the behavior is corrected immediately. He cannot dangle carrots encouraging the firm or nation to clean up its act.

The only flexibility he would have is to invoke a national security waiver. For example, Section 73 of the Arms Export Control Act provides that the President "may, in his discretion, waive such provision if the President determines that the imposition of the requirement would be inconsistent with the national security of the United States." If the President determines that the imposition of the requirement would be inconsistent with the national security of the United States, he may waive such provision. This is the only flexibility that the Thompson amendment affords.

So, too in the Thompson amendment. If the President determines that the proliferation action has occurred, then the sanctions must be imposed.

To be sure, the bill allows the President to waive the sanctions. But the act of making the initial determination is not waivable.

The third major flaw is that the bill will undermine the credibility of existing sanctions laws because it has an extremely low burden of proof and does not differentiate serious violations from trivial ones.

Let me explain how sanctions are triggered in the bill.

Two kinds of behavior are sanctionable: the first is any transfer of technology of any origin by a person of a covered country—and remember, a "covered country" includes the United States and several European allies—which contributes to the "design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles" by a foreign person.

The second action that is sanctionable is any contribution to a weapons of mass destruction program made by the diversion of U.S.-origin technology to an unauthorized end-user. Such diversions are sanctionable even if they occur within China or Russia.

The bill penalizes either of these actions—technology transfers or diversion—regardless of whether they are either "knowingly" or "materially" involved.

Nearly all of our current proliferation sanctions laws contain these "knowing" and "material" requirement—they do not attempt to punish transfers that are unintentional or are relatively inconsequential.

For example, Section 73 of the Arms Export Control Act—the existing missile sanctions law—requires sanctions whenever a foreign person "knowingly" transfers equipment or technology controlled under the Missile Technology Control Regime, MTCR.

Items controlled by the MTCR meet the test of "materiality" because they
involve either complete systems or significant components of such systems. The Thompson bill, however, punishes all transfers—regardless of whether the firm intentionally engaged in the prohibited conduct or whether the transfer made any difference to the proliferation danger.

The only standard is whether is it "contributes" to the "design, development or acquisition of weapons of mass destruction programs. This, potentially, has a very broad sweep. Does a vehicle supplied by Russia, the United States or a western country and used by the People’s Liberation Army to transport goods from one weapons plant to another "contribute" to "production" of Chinese missiles?

Does cement for a Chinese cruise missile plant "contribute" to the "production" of such missiles? I’m advice from an efficiency expert "contribute" to "production"?

Surely they do "contribute" in some way to the production occurring at the facility. 

Under the Thompson amendment, all "contributions"—even these relatively inconsequential examples I just cited—would appear to be treated equally. If we are going to impose sanctions, we should have a rule of reason—and punish transfers that matter. Do we really want to trigger the vast machinery of sanctions over transfers that are not of serious concern?

Additionally, do we want to trigger a vast web of sanctions if the company did not act intentionally?

The fourth major flaw of the amendment is that it could undermine our proliferation policy by singling out China, Russia, and North Korea. A law that punishes all transfers but the worst proliferators might, at first blush, make sense. But it sends an odd message to the world that we care only about proliferation from those countries, and not at all what we care just as much about proliferation by Libyan or Syrian firms as by Chinese firms?

To be effective, U.S. sanctions law should be defensible to the world. We can logically explain that proliferation to Iran or Iraq deserves special attention—because of the rogue behavior of those countries. But what is the logic for treating proliferation from China, Russia, and North Korea more seriously than proliferation from other countries?

Moreover, country-specific legislation is unnecessary. If China, Russia, and North Korea are the worst actors in this area, then any law that applies generally will fail on them and not on others.

In fact, current proliferation sanctions laws have been used against these three countries more than most others. The fifth major flaw of the amendment is that it will impose an incredibly burdensome reporting requirement on the intelligence community and the Executive Branch officials responsible for enforcing non-proliferation policy.

The amendment requires that all "credible information" about proliferation activity, no matter whether it is proven or not, no matter whether the activity is significant or not, be included as part of a new nuclear program. This low "credible information" standard is a departure from the Iran Non-proliferation Act of 2000. Under this standard, one piece of information from a source deemed to be credible must be reported—even if that evidence later proves to be false. Congress has yet to receive the first report required under that Act. But we do have some information about the burden it is imposing.

To date, the Intelligence Community has found 8,000 pages of information that is "credible" just on chemical and biological weapons and missile proliferation alone.

Many thousands of staff hours will be required to assemble and analyze the information for this report. Does it make sense to have our government’s non-proliferation specialists devoting so much time to assembling yet another report—rather than combating the proliferation danger?

Congress hardly suffers from a lack of information about proliferation. We already require a range of reports on the subject. For example:

- Congress receives an annual report on proliferation of missiles and essential components of nuclear, chemical and biological weapons—required since 1991;
- Congress receives an annual report on the threat posed to the United States by weapons of mass destruction, ballistic and cruise missiles—required since 1997;
- Congress receives an annual report on the efforts of foreign countries to obtain chemical and biological weapons or efforts of foreign persons or governments to assist such programs—required since 1997;
- Congress receives an annual report on the transfer of chemical agents and the trade precursor chemicals relevant to chemical weapons—required since 1997 under the Senate resolution concerning to the Chemical Weapons Convention;
- Congress receives an annual report on compliance with international arms control agreements, which includes a detailed assessment of adherence of foreign persons or governments to obligations undertaken in non-proliferation agreements or commitments—required since the mid-1980s;
- In addition, Members of Congress have full access to a range of regular intelligence reports on the subject of proliferation.

In sum, we do not need another report that will divert officials in the Executive Branch from the daily business of trying to actually stop proliferation. Mr. President, I understand the motivation at work here. Proliferation by Russia or China makes me angry too! I would have thought that the limitations of this kind of sledgehammer approach that I have just described would have been made evident by now.

So I remind my colleagues: Keep your eye on the ball! This legislation is not likely to be effective in reducing proliferation by irresponsible actors. Let me make one point.

One underlying assumption of the Thompson bill seems to be that there are few non-proliferation statutes on the books. Any such assumption would be false—over the last decade Congress has enacted numerous proliferation laws. Let me highlight a few:

The Chemical and Biological Weapons Control and Warfare Elimination of 1991 contains numerous provisions restricting technology to, or imposing sanctions on, to countries or persons proliferating chemical or biological weapons technology:

- The Nuclear Proliferation Prevention Act of 1994 bars U.S. Government procurement in the case of foreign persons who materially contribute to the efforts of individuals or non-nuclear weapons states to acquire nuclear material or nuclear explosive devices, and requires sanctions on financial institutions that finance the acquisition of nuclear material or nuclear explosive devices.

- The Foreign Assistance Act bars U.S. foreign assistance to nations that engage in certain proliferation activities;

- The Arms Export Control Act provides for sanctions against nations that transfer unsafeguarded nuclear material or against non-nuclear states which use nuclear devices, including the Glenn Amendment sanctions which were imposed on India and Pakistan in 1998.

- The Iran-Iraq Arms Nonproliferation Act of 1992 requires sanctions against persons or countries who knowingly and materially contribute to the efforts by Iran or Iraq to acquire chemical, biological, or nuclear weapons or to acquire destabilizing numbers and types of advanced conventional weapons.

- The Export-Import Bank Act bars financing for U.S. exports to any country or person which assists a non-nuclear weapons state to acquire a nuclear device or unsafeguarded special nuclear material.

Finally, a Presidential Executive Order (12938) requires the Secretary of State to impose certain sanctions against any firm, person, or non-nuclear weapons state that transfer unsafeguarded nuclear material or that contribute or attempt to contribute to the efforts of any foreign country to obtain weapons of mass destruction or a missile capable of delivering such weapons.

In short, it is a delusion to think we have a shortage of laws.

What the senator is complaining about is a failure to use these laws to punish the Chinese and other bad actors. This failure is hardly unique to this Administration.

During President Reagan’s term, China provided nuclear know-how to Pakistan and missiles to Saudi Arabia. The United States responded by selling...
advanced conventional weaponry to the People’s Liberation Army—torpedoes for its navy, advanced avionics for its air force, and counter-battery artillery radars for its army.

In President Bush’s administration, China sold missile technology to Pakistan. The United States responded by briefly imposing sanctions—and then subsequently liberalizing export controls on a wide range of high technology, including the launch of U.S.-made communication satellites by China.

The Clinton Administration has twice sanctioned China for proliferation of missile and chemical technology, but has balked at imposing sanctions in response to China’s most misdeeds.

The failure of Executive Branch to use sanctions authority occurs in both Republican and Democratic administrations. It is often lamentable. But the appropriate response is not enactment of a severely flawed piece of legislation.

Mr. President, let me sum up. I understand the Senator’s concerns. I agree with him that Chinese proliferation is a serious problem. I disagree with him.

I would be pleased to work with him next year in trying to move serious legislation to fill any gaps that may exist in our proliferation laws through the Committee on Foreign Relations—the committee of jurisdiction.

But I believe that it would be extremely unwise to pass this legislation, as well-intentioned as it is—because I believe it has so many flaws that it is beyond fixing at this late date. This legislation, as currently written, would not succeed, and could seriously harm our non-proliferation efforts.

I urge my colleagues to vote no on the Thompson amendment.

To reiterate, the Senator from New Jersey and Senator from Tennessee have made some good arguments but on the wrong bill. If you listen to the debate of the proponents, you would assume there is no sanction legislation that exists now relative to China. The irony is that there is significant sanction legislation on the books now.

This quarrel is about two things. Half the people who are for this amendment are against trade with China. The other half of them—I don’t mean literally half but a mix of people, people who are against the bill, the permanent trade relations bill which my senior colleague is managing, and some who are desperately concerned about the prospect of further proliferation by China.

The truth is, what the real fight should be about is why President Bush, President Reagan, and President Clinton have not imposed the laws that are on the books now. We don’t need any new sanction laws. We particularly don’t need ones that are so desperately flawed as this one, which lowers the threshold so low you can’t be certain that, in fact, there is proliferation going on, raises so many questions that we will spend our time litigating this among ourselves more than we will be doing anything about the problem. And further, this is a circumstance where I don’t think there is anyone on the floor who would rise up and criticize the President’s policies in the field of non-proliferation. But I have publicly and privately suggested to them: Impose sanctions now under existing law.

I am sure none of my colleagues would do this but their staffs may. I refer them to the last third of my statement where I laid out in detail how many laws are on the books now which were enacted relative to proliferation: the Chemical and Biological Weapons Control and Warfare Elimination Act, the Nuclear Proliferation Prevention Act of 1994, the Foreign Assistance Act, the Arms Export Control Act, the Iranian Arms Nonproliferation Act, the Export-Import Bank Act, which bars financing of U.S. exports, the Export Administration Act, which requires the Secretary of State to impose certain sanctions, et cetera. All the laws are there now. They exist.

What this is really about is the unwillingness in the minds of our colleagues that there are laws on the books now, for this administration to once again impose sanctions, or the last administration to impose sanctions.

We became fairly cynical around here because of what happened during the term in which I served. It was in the administration of President Reagan when China provided nuclear know-how to Pakistan and missiles to Saudi Arabia? The U.S. response, under President Reagan, was to sell advanced conventional weaponry to the People’s Liberation Army, torpedoes for its navy, advanced avionics for its air force, and counterbattery artillery radars for its army.

In the Bush administration, China sold missile technology to Pakistan. The United States responded by briefly imposing sanctions and then subsequently liberalizing export controls on a wide range of high-technology issues, including the launch of U.S.-made communications satellites by China.

This isn’t about whether or not non-proliferation laws exist. It is about whether or not we have the will to impose the President the requirement that he enforce the law now.

Why not pass a resolution here and now and say that the Senate goes on record saying, Mr. President, you should impose sanctions on China now? There is enough of a case to do it now. Why not do that, if you are really concerned about sanctions? This goes beyond that.

Everybody knows if this or any other amendment passes attached to this bill, the larger issue of trade with China will go down the drain.

In the brief time I have remaining, let me jump to another point. My friends talk about this in terms of—and I don’t doubt their sincerity—their strategic concerns. They talk about the fact of what is going to happen if China sells technology again: what are we going to do? The implication being, had we acted on this amendment favorably and passed it, then China wouldn’t have been able to sell it after this administration. That is a bit of a tautology. They would sell it whether or not this amendment is here. The question is what retribution we take and in what form we take it.

So what have we been doing? Former Secretary of Defense Perry, and the last administration as well, have been trying to get the Chinese to use their influence on North Korea not to develop long-range missiles. And what has happened? It is kind of interesting that the first amelioration, the first thawing of the ice came with the Agreed Framework during Perry’s tenure. The Agreed Framework made sure that North Korea would not be able to acquire more fissile material for nuclear weapons. They stopped making fissile material. It is working. Surprise, surprise.

The second thing is, because of our intercession with China, at least in part, the Chinese had a little altar call, as we say in the southern part of my State, with the North Koreans. The North Korean leader, the guy we were told was holed up, who is manic depressive, a guy who was supposedly schizoid, everything you hear about him, went to Beijing. He came back. Guess what. He had a public meeting with South Korea. Guess what. He concluded that they would stop testing their missile, the third stage of their missile. He further concluded that there should be some rapprochement with the south.

And lo and behold, Kim Jong-il concluded that he, and the North Koreans, were American troglodytes. Surprise, surprise. Why? They don’t want the vacuum filled by an Asian power if we leave. China doesn’t want North Korea to have a nuclear capacity. It is not in their interest for that to occur.

Now, somebody tell me how we solve the problem of the proliferation of sophisticated nuclear weapons on the subcontinent of India, including Pakistan and India, as well as China. If we are not engaging China, how are we going to do this. From a strategic standpoint, I don’t get how this is supposed to accomplish the strategic goal because my
friend from Tennessee and my friend from New Jersey parse out and make a clear distinction between the strategic objective of their amendment and the economic objective. They say they have no economic objective. Therefore, they say, they have no leverage.

They don’t want to scuttle the trade agreement. They say their interest is in the strategic problem of proliferation. I respectfully suggest that amendment is not going to, in any way, change China’s proliferation instincts. What is going to change China’s proliferation instincts will be a larger engagement with China on what is in our mutual interests—discussions about strategic doctrine, national missile defense, Japan, Korea, and Taiwan. That will affect relations with China, potentially, in a positive way.

Passing this amendment, as my friend from New York said in another venue when I was with him yesterday, will be the most serious foreign policy mistake we have made in decades. I share his view. I realize it is well intended. My friend from Tennessee says no one has an answer as to how we are going to stop China. I don’t have an answer, but I have a forum in which you do that the trade bill. It is engaging them in their mutual interests and ours on the future of North Korea, and engaging them and making it clear to them that it is not in their interest to see India become a nuclear state with multiple nuclear warheads in their possession. That is not the kind of ally we would all hope it would become. It is not in our national security interests. National security is my No. 1 responsibility. If it kills a bill because the Senate adds an amendment and allows us to talk to the President about it and talk to the House of Representatives, then I think that is our role and our responsibility. I reject totally those who would say don’t vote for this amendment; it is a killer amendment; it will kill the bill. It will not kill the bill. We have brains. We know we might have to compromise in some way, but we want to be forceful that we are not going to allow China to spread nuclear weapons of mass destruction around the world, especially to rogue nations that would do our country wrong. We are not going to stand up and say today, I hope not, that we are afraid to amend a bill because it might kill it. No, that is not why I was elected to the Senate. I was elected to the Senate to do what I think is right and to fulfill my responsibilities to the people I represent. National security is my No. 1 responsibility. It has been said that it will kill this bill if we add an amendment. I wasn’t elected to the Senate to rubber stamp the House of Representatives. I wasn’t elected by the people of Texas to rubber stamp the President. I was elected to the Senate to do what I think is right and fulfill my responsibilities to the people I represent. National security is my No. 1 responsibility. If it kills a bill because the Senate adds an amendment and allows us to talk to the President about it and talk to the House of Representatives, then I think that is our role and our responsibility. I reject totally those who would say don’t vote for this amendment; it is a killer amendment; it will kill the bill.

I urge my colleagues to stand up for our national security interests. That is what I have been hearing on the floor now for 2 days. If we are going to engage China on issues such as North Korea and weapons proliferation to Iran and Iraq, as was proposed by the Senator from Delaware, how can we engage China on issues such as North Korea and weapons proliferation to Iran and Iraq, as that is our most important responsibility. If we know China is sending its nuclear formula to North Korea, Iran, Iraq, and that that is going to put American citizens in direct harm’s way and stop the balance of power between North and South Korea and make it heavily favoring the South, I would be willing to stand by and say we will try to engage them when we have not spoken to them in any way when we had the chance to do it, as we do right now? I hope not. It has been said that it will kill this bill if we add an amendment. I wasn’t elected to the Senate to rubber stamp the House of Representatives. I wasn’t elected by the people of Texas to rubber stamp the President. I was elected to the Senate to do what I think is right and fulfill my responsibilities to the people I represent. National security is my No. 1 responsibility. If it kills a bill because the Senate adds an amendment and allows us to talk to the President about it and talk to the House of Representatives, then I think that is our role and our responsibility. I reject totally those who would say don’t vote for this amendment; it is a killer amendment; it will kill the bill.

I urge my colleagues to stand up for their people, as they were elected to do. Let’s work this out and have a free and fair trade agreement that is good for both countries. Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. Brownback). Under the previous order, the Senator from Texas, Mrs. Hutchison, is recognized for 5 minutes.

Mrs. Hutchison. Mr. President, this is a very important vote. It is a very difficult issue. I have been a strong supporter of opening relations with China, of opening trade with China, not because China has been the kind of ally we would all hope it would be but because I have believed that having open trade relations with them would improve the relationship; that if we had some leverage in a trade relationship, we would be able to ask them and have some leverage for them to have fair trade, to recognize intellectual property rights, and to become a part of the community of nations.

But it seems to me we are saying we want free and open trade and nothing else should matter; that if we have free and open trade, we should not stand up for our national security interests. That is what I have been hearing on the floor now for 2 days. If we are going to engage China on issues such as North Korea and weapons proliferation to Iran and Iraq, as was proposed by the Senator from Delaware, how can we engage China on issues such as North Korea and weapons proliferation to Iran and Iraq, as this is not a really big issue to us, that weapons proliferation takes second place to trade?

For me, national security doesn’t take second place to anything. I think it should be the position of the Senate that we are responsible for the national security of our country and that that is our most important responsibility. If we know China is sending its nuclear formula to North Korea, Iran, Iraq, and that that is going to put American citizens in direct harm’s way and stop the balance of power between North and South Korea and make it heavily favoring the South, I would be willing to stand by and say we will try to engage them when we have not spoken to them in any way when we had the chance to do it, as we do right now? I hope not. It has been said that it will kill this bill if we add an amendment. I wasn’t elected to the Senate to rubber stamp the House of Representatives. I wasn’t elected by the people of Texas to rubber stamp the President. I was elected to the Senate to do what I think is right and fulfill my responsibilities to the people I represent. National security is my No. 1 responsibility. If it kills a bill because the Senate adds an amendment and allows us to talk to the President about it and talk to the House of Representatives, then I think that is our role and our responsibility. I reject totally those who would say don’t vote for this amendment; it is a killer amendment; it will kill the bill.

It will not kill the bill. We have brains. We know we might have to compromise in some way, but we want to be forceful that we are not going to allow China to spread nuclear weapons of mass destruction around the world, especially to rogue nations that would do our country wrong. We are not going to stand up and say today, I hope not, that we are afraid to amend a bill because it might kill it. No, that is not why I was elected to the Senate. I was elected to the Senate to do what I think is right. I hope the Senate will speak very forcefully to the President and have a vote. But he doesn’t want anybody else to have a vote on it. If we are going to consider major legislation like the Thompson amendment, as chairman of one of the committees with jurisdiction over major elements of that amendment, I would like to have an opportunity to offer my own amendments to this legislation and to have a vote with amendments. And Senator Thompson makes a good point. Committees of jurisdiction aren’t everything. But I think it is important that we get Alan Greenspan and other people who understand finance and give us input before we take a major step like instituting controls on America’s capital markets.

The capital markets and financial institutions controls in the Thompson amendment are misguided because we have been trying to achieve with the Chinese for many years. For years we negotiated with the Chinese to get them
to open their markets to American financial services companies. We want citizens in China to be able to own a piece of the rock and to invest in retirement accounts in America. Senator Thompson’s amendment would set up a mechanism to deny them the very right they have for which we negotiated so long and hard.

I am not here to endorse China’s practices—far from it. I condemn their policies with regard to the environment, with regard to their workers, with regard to religious freedom, and with regard to proliferation. But that is not what we are talking about here. We are talking about establishing normal trade relations. And the key point is: Does anybody believe any one of these areas of concern will be better if we reject PNTR?

I remind my colleagues that in 1948 there were 23 countries that signed the agreement that founded the GATT, now called the WTO. Their common goal was to expand economic freedom. One of those 23 countries was China. But one year later, China turned to the dark side. They wanted to remake their society. They wanted to build a “ladder to heaven.” They wanted to create conditions for their people to become political leaders. And they did it—they made everybody poor. Chinese per capita income nosedived. By 1978, Taiwan, which started with fewer economic resources, had a per capita income of $1,560 a year. China’s was $130. Today, Taiwan has a $13,000 per capita income, while China’s is just $790.

But the good news is that fifty-two years later, China wants to reverse the terrible decision she made back then, and re-enter the world of trade. China is turning away from the dark side. She is back knocking on the door. Now the question is, Are we going to slam the door in their face?

I say no. Trade promotes freedom. If you are concerned about workers’ rights in China, do you believe that workers will have more rights in a growing private sector, where they can work for somebody other than the Government? I don’t see how you can help but believe that. And if you believe it, then you are going to be for normal trade relations with China. If you want political and religious freedom in China, then give people economic freedom, which ultimately promotes political change. I have seen that process play out in Korea and in Taiwan. Developing economic growth in China, so that people have a stake in economic freedom, will ultimately produce a demand on their part for political freedom. And in the process they will begin to change China.

The Thompson amendment is legislation that needs dramatic changes. If we don’t table this amendment, it is not going to be adopted. We are going to offer amendments to it. I would be perfectly happy to see this amendment brought as a freestanding bill, but I want the opportunity to debate it and to amend it. Senator Thompson wants to have a vote on his legislation, but he doesn’t want anybody else to have a vote on their amendments to his legislation. I think that is what ultimately brought us to where we are now.

There are security concerns with China. They need to be dealt with. But they are not dealt with within the context of PNTR, with a bill that has never been through a committee, that has never had a hearing on its impact, that has not been looked at it to see whether it makes sense. Will it do what we want? Will it hurt us more than it hurts other people?

So I urge my colleagues to reject this amendment and to adopt normal trade relations with China. We are not endorsing China. We are trying to trade with them. We are trying to promote economic freedom because we know economic freedom not only enriches us and them, but ultimately produces an irresistible demand by people to have political freedom. When they have economic freedom, China will change. This is not a radical demand. It is not ready to be adopted. I hope we table it. As I said, if we don’t table it, we are going to amend it; and then we are going to be in a long debate about a subject that is relevant and important. But the good news is that does not have to do with establishing normal trade relations with China, which is the point of the underlying legislation and which I support. I will, therefore, vote to table this amendment. I urge my colleagues to do the same. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that at the end of the list of speakers my name be placed next in order to speak not to exceed 15 minutes in opposition to the motion to table.

Mr. ROTH. Reserving the right to object, I must say we have agreed that we would have the vote at quarter of 2. If there is any time left that I have allotted, I will yield it. It looks to me as if there is any time left that I have allotted; I must say we have agreed that we will have the vote at quarter of 2. Mr. President, I ask the distinguished senator from West Virginia to please proceed.

Mr. DEWINE. Mr. President, I rise in strong support of the Thompson-Torrillick amendment. This amendment will give us an opportunity to insist that the Chinese Government do not sell weapons of mass destruction to the People’s Republic of China, or any nation, accountable for proliferating weapons of mass destruction and the means to deliver them.

This amendment would not have been necessary had this administration shown effective leadership in non-proliferation policy. When the administration sat down with China last year to negotiate an agreement on China’s admission to the World Trade Organization, that was an extraordinary opportunity to discuss China’s weapons proliferation practices. It was a once in a lifetime opportunity to insist that China change its ways on proliferation once and for all and advance the security of all nations.

That opportunity, sadly, was lost. The bilateral agreement reached between China and the United States last November is the price China has to pay for our Nation to agree to PNTR and China’s admission into the WTO. So the fundamental question is this: Have we imposed a high enough price on the Chinese Government? Sadly, I think the answer is clearly no.

The bilateral agreement argues that the bilateral agreement is a good economic document for both countries. However, it is by no means an acceptable document for our own national security. If we are going to sacrifice our annual review of normal trade relations with China, then the President and the next Congress must have new tools in place to pursue our national security objectives.
It is that simple. And that is why we need to adopt the Thompson amendment.

As my colleagues know, China is a signer of the Nuclear Non-Proliferation Treaty. Article VI of that treaty states that nuclear powers are to:

...use all their efforts to negotiate in good faith effective measures relating to the cessation of the nuclear arms race at an early date.

No nation has violated that specific article in the NPT more egregiously, more openly, and more willingly in the last decade than the People’s Republic of China. That is the truth.

In Asia and the Middle East, our Nation and China hold two fundamentally different visions of the future direction of these two regions. Right now, China has used its expertise in nuclear and missile technology to effectively advance its interests and destabilize the region.

For example, at the beginning of the last decade, Pakistan possessed a very modest nuclear weapons program inferior to India’s.

That was then. Now the balance of nuclear power has shifted, and it is a far more different and far more dangerous region today.

In the Middle East, it is the same story. News reports have documented China’s contributions to Iran’s nuclear development, and ballistic and cruise missile programs, including anti-ship missiles that are a threat to our naval presence and commercial shipping in the Persian Gulf. And published news reports say a CIA report issued last month confirmed that Chinese Government multinationals are assisting the Libyan Government in building a more advanced missile program.

China certainly does not see our Government as a serious enforcer of non-proliferation policy—and why should they? As a result, weapons of mass destruction are in far more questionable hands and the world is a far more dangerous place.

The high priority China placed on WTO membership certainly presented our Government with an opportunity to reassert its nonproliferation credentials.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DEWINE. I ask for 1 additional minute.

The PRESIDING OFFICER. Is there objection

Mr. ROTH. I object.

Mr. MOYNIHAN. I object.

The PRESIDING OFFICER. Objection is heard. Under the previous order, the Senator from Delaware is to be recognized.

Mr. THOMPSON. Mr. President, did I not have additional time?

Mr. ROTH. No, the vote is set for 1:45. But, we are trying to work this out.

The PRESIDING OFFICER. The vote was to occur at 1:45.

Mr. DEWINE addressed the Chair.

Mr. ROTH. I ask consent Senator BYRD now be recognized for up to 10 minutes and, following those remarks, I be recognized in order to make a motion to table.

The PRESIDING OFFICER. Is there objection? The Senator from Ohio.

Mr. DEWINE, Mr. President, I will certainly not object, but I just add to that, if I can have 2 additional minutes to finish my comments and we can then proceed.

Mr. ROTH. Unfortunately, we are in a very tight timeframe. I respectfully ask the Senator from Ohio to please comply. We must proceed. I have tried to satisfy everybody. I ask him not to proceed.

Mr. DEWINE. I certainly will not object to the request of the chairman of the committee. I have enough respect for my colleague, if that is what my colleague thinks is absolutely necessary to not object.

Mr. THOMPSON. Mr. President, we also had a unanimous consent for an additional, I think, 5 minutes that was allotted to me. I think the Senator from Ohio should be given at least an additional 2 minutes, if that is the case. I certainly agree Senator BYRD should be given some time. There is no reason why we cannot work this out.

Mr. ROTH. Let me say to the distinguished Senator, I am yielding my 5 minutes. I am not speaking.

Mr. THOMPSON. I am not speaking either, and I will yield the remainder of my time after the Senator from Ohio is finished. I will yield the remainder of any time I have.

Mr. ROTH. All right. We will let the Senator from Ohio have—what is it, 2 minutes?

Mr. THOMPSON. Yes. The PRESIDING OFFICER. Is there objection to the modified request? Without objection, it is so ordered.

Mr. DEWINE. Mr. President, we can make up for this lost opportunity by passing this amendment. It is vitally important. I believe, that we do this and we move forward.

This amendment is not just about holding other nations accountable as proliferators, it is also about holding our President accountable as the world’s principal nonproliferation enforcer.

With this amendment, Congress would receive a comprehensive report each year from the President about the proliferation practices of other nations. This report would require comprehensive information on proliferation practices, how these acts threaten our national security, and what actions are being taken by the President in response to these violations.

This reporting requirement will prevent future administrations from repeating the approach taken by the current administration, which ran and hid from our nonproliferation laws and responsibilities.

The amendment of the Senator from Tennessee and I, if passed, would dramatically improve the PNTR legislation. I say this because PNTR is not just about trade—it is about U.S. foreign policy. We cannot let our trade policy with China supersede our national security policy. The lessons learned from the Cox Commission were clear: foreign policy and national security policy must drive trade policy and not the other way around.

Mr. President, we are all being asked, have we asked enough of China? Has this administration done enough to advance our foreign affairs with China? I believe the answer to both is a resounding “no.”

The Thompson-Torricelli amendment gives the Senate a chance to insist on more from China and more accountability from this administration. If both China and future administrations are going to take this Senate seriously as a clear and strong voice in our national security policy, we should stand together to support this amendment.

I thank my colleagues. I thank my colleague from Tennessee, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise today to congratulate Senator FRED THOMPSON and Senator TORRICELLI. They are speaking the people’s language. They are talking plain, commonsense, they are right in offering the amendment.

Senator Thompson is asking that we in this Senate pay attention to the national security concerns of this Nation, asking that we put national security ahead of greed. What is wrong with that? He is asking that we put the national security of the United States of America ahead of election-year politics.

What is the matter with this Senate? Can we not see the handwriting on the wall?

The proliferation of weapons of mass destruction—nuclear weapons, ballistic missiles, chemical weapons, biological weapons—is a growing menace to world stability. Can we not see that? The acquisition of nuclear weapons by such rogue nations as North Korea, Iran, and Iraq is the driving force behind the costly and complicated effort by the United States to deploy a national missile defense system. Can we not see that?

The proliferation of weapons of mass destruction is forcing the nations of the world, including the United States, to reevaluate their own national security and to confront once again the threat. He is asking that we put the possibility of nuclear war. Can we not see that?

The main perpetrators behind the spread of weapons of mass destruction are China, Russia, and North Korea. According to the Central Intelligence Agency, in a report to Congress released last month, this unholy trinity of proliferators were the key contributors to the pipeline of ballistic missile related supplies and assistance going into the Middle East, South Asia, and North Africa.

It seems ludicrous to me that we would even consider standing here and debating the merits of extending Permanent Normal Trade Relations status
to the People's Republic of China with- out addressing the issue of China's leading role in the proliferation of weapons of mass destruction. The Thompson-Torricelli amendment, of which I am a cosponsor, is essential to tightening our scrutiny of and control over foreign companies to benefit China's trade bill. 

We tremble at the thought of Chinese displeasure. Our lips quiver at the thought of displeasing big business or the president of the Chamber of Commerce or Cabinet members of the Clinton administration or the President himself as they dial for dollars and for votes. Those of us who refuse to roll over like good dogs just don't get it. We know that the fix is in on this bill right now but we just can't say anything anyway. Maybe we will land a good punch or two if we fight on. Maybe the powers that be in China will notice there were some in the Senate who refused to legitimize China's outrageous disregard for the U.S. and imposed sanctions on them the trophy of PNTR. Thank God for the likes of Senator Paul Wellstone, Senator Fred Thompson, Senator Fritz Hollings, and Senator Bob Torricelli, and the 33 brave souls-33 brave souls, I want you to know—who dared to vote with me on a couple of modest amendments to this ill-advised trade bill. I thank them.

I believe the American people know what we are trying to do, and I believe they will stand by us over pan- dering for profit any day.

I ask unanimous consent to print in the RECORD an item from the New York Times titled "Waivering Senators Feeling Pressure on China Trade Bill." I will ask for a yes vote later that day.

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

[From the New York Times, Sept. 13, 2000]

WAIVERING SENATORS FEELING PRESSURE ON CHINA TRADE BILL. (By Eric Schmitt)

WASHINGTON, Sept. 12.-Corporate leaders and several of President Clinton's cabinet offi- cers intensified pressure today on wavering senators to reject an amendment that could jeopardize passage this year of a trade bill with China.

As the Senate girds for a crucial vote on the measure this week, supporters of legisla- tion to establish permanent normal trading relations with China are pressing for a bill free of amendments. Opponents say there is not enough time before Election Day to reconcile an amended Senate bill with the version that the House passed in May. At a White House meeting with Congres- sional leaders today, Mr. Clinton urged speedy approval of an unamended bill. The measure is one of his top remaining foreign policy goals and a necessary step for Amer- ican companies to benefit fully from a deal reached last year by the United States and China that paves the way for China's entry into the World Trade Organization. That 135- member trade group sets rules for global trade.

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Defense Secretary William S. Cohen; Treasury Secretary Lawrence H. Summers; Mr. Clinton's national security adviser, Sam- uel R. Berger; and the United States trade representative, Charlene Barshefsky, began telephoning senators this weekend to urge them to vote against the amendment. They have so far been successful, in part because many senators were concerned that the amendment would not only imperil the trade bill, but also would also hamper Amer- ican efforts to combat the spread of sophisti- cated weaponry. Senate aides negotiated the timing of votes. Senators could take up Mr. Thomp- son's amendment on Wednesday or Thurs- day. Final passage of the overall bill, which has overwhelming support, could occur as early as Friday or as late as next Tuesday.

Mr. Byrd. Mr. President, I close by thanking Senator Roth, Senator Moynihan, and other Senators who have been so considerable and courteous. I yield the floor.

Mr. ROTH. Mr. President, I spoke at length about my opposition to the Thompson amendment on Monday. But I want to briefly reiterate that I be- lieve this amendment, while well-in- tended, is seriously flawed. In par- ticular, this legislation relies on uni- lateral sanctions that are too widely drawn and too loosely conceived to prove effective in countering prolifera- tion. In a global economy, shutting off
Chinese and Russian access to American goods, agricultural and capital markets will not change Chinese or Russian behavior. Indeed, such actions would isolate the United States, not China, giving our competitors an open road to the world’s biggest nation and fastest-growing market.

And make no mistake about it: though there have been changes to the bill to reduce the impact on farmers, virtually every member of the farming community—from the Alabama Farmers Federation to the National Chicken Council—has said in a letter that they are absolutely against the Thompson amendment. Moreover, for the first time, U.S. securities markets will be used as a sanctioning tool. That’s why Alan Greenspan opposes this legislation.

The unilateral sanctions in this amendment are also indiscriminate in their application and could be applied to some of our closest allies, such as Germany, the United Kingdom, Italy, and France. Surely such actions will make future multilateral cooperation—which is absolutely essential to solving proliferation problems—far more difficult. Another problem with this approach is that even though the President is theoretically able to waive sanctions, Congress gains the power to overturn the President’s waiver through a procedure exactly the same as the counterproductive one we currently use in annually renewing normal trade relations with China.

In addition, the evidentiary standard used to trigger sanctions, one of “credible information,” is too low. Surely, critical national security actions should be based on a higher standard, especially when they are could very well be applied to our closest allies. It also appears that the Thompson amendment could have a disastrous effect on our Cooperative Threat Reduction Program—better known as the Nunn-Lugar Program—with Russian and Russian entities.

Section 4 of the Thompson amendment contains language that would ban Nunn-Lugar assistance to any Russian entity identified in the report required by the amendment of the President. And so this amendment could actually have the perverse effect of decreasing our ability to stem proliferation problems in Russia. The Thompson amendment also raises serious constitutional concerns. For example, Congress’ disapproval of the President’s determinations could result in severe sanctions against persons for actions that were perfectly legal when taken. The ex post facto effect raises serious due process questions. The standard of proof, which could result in sanctions against individual U.S. citizens based on suspicions, rather than proof, raises separate due process concerns. The congressional disapproval procedures raise separate separation of powers problems. In requiring the President’s determinations regarding sanctions, Congress will, in effect, implicitly be second-guessing the exercise of the President’s prosecutorial discretion.

Proliferation is a matter of vital national interest. I applaud my friend from Tennessee for raising this issue, and I hope he will continue his work in this critical area next year, when I hope we can work on a measure that will gain the support of an overwhelming majority of this Chamber. But I must urge all my colleagues to join me in opposing the Thompson amendment.

Mr. DODD. Mr. President, I move to table the Thompson amendment. No. 4132, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—65

Alarid—Durbin—Lincoln

Baucus—Edwards—Lugar

Bayh—Eckstein—MacCain

Bennett—Feinstein—Miller

Biden— Fitzgerald—Moynihan

Bingaman—Graham—Moynihan

Bond—Gramm—Moscowkov

Brower—Granezley—Murray

Breaux—Hagel—Nickles

Brownback—Harkin—Reed

Bryan—Hatch—Robb

Burns—Inouye—Roberts

Campbell—Jorgensen—Rockefeller

Chafee—Johnson—Roth

Cochran—Kennedy—Schumer

Craig—Kerry—Smith (D)

Crapo—Kerry—Smith (R)

Daschle—Landrieu—Stevens

Dodd—Leahy—Thomas

Domenici—Levy—Voinovich

Dorgan—Levin—Warner

NOT VOTING—3

Alaska—Gorton—Lieberman

The motion was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, parliamentary inquiry: I think under the order, my colleague and friend from North Carolina is to be recognized to offer an amendment at this juncture. I have had a brief discussion with my colleague from North Carolina. I don’t know whether I need to ask unanimous consent to proceed for 5 minutes prior to Senator HELMS being recognized or not in order to achieve that result. May I inquire what is the parliamentary situation?

The PRESIDING OFFICER. Recognition of the Senator from North Carolina. Senator from Connecticut has the floor.

Mr. DODD. I thank the Chair.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. DODD. I am happy to yield.

Mrs. HUTCHISON. Does the Senator from Connecticut need the full 10 minutes? I wanted to speak for a few minutes as in morning business if he didn’t need it all.

Mr. DODD. If the Chair will inform the Senator from Connecticut when 8 minutes have transpired, I will leave a couple minutes for my friend from Texas.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I intended to offer these remarks prior to the consideration of the Thompson-Torricelli amendment, but time did not permit it. I am pleased with the outcome of the vote in this Chamber regarding the Thompson amendment. I do regret, in a sense, that we had to take the vote. I am concerned that the powers that be in the People’s Republic of China, or elsewhere, may misread the vote as somehow rejection of our concern on the issue of nuclear proliferation. Nothing could be further to the truth. This vote that occurred is obviously one where most of us felt very deeply that the underlying agreement is of critical importance, as is the subject matter of the amendment offered by our friends and colleagues from Tennessee and New Jersey. But it is the strong view of many of us that this was an unrelated matter and the amendment, as drawn, was flawed in several respects.

Specifically, the amendment called for the imposition of unilateral sanctions against the People’s Republic of China, Russia, and North Korea for past and prospective proliferation activities. Although the amendment did give the President the authority to waive these sanctions under certain circumstances, it also provides for the congressional challenge of the President’s use of that authority under expedited procedures. Clearly, the issue the sponsors sought to address in this amendment is a deeply serious one, with significant national security and foreign policy implications.

I, for one, would not attempt to stand here and argue that the People’s Republic of China, or North Korea, or Russia, or several other nations for that matter, have always steadfastly adhered to the international standards...
set forth in the existing multilateral nonproliferation agreements and arms control regimes. Nor would I suggest that China does not have the same obligations that every other nation has to ensure that its exports of sensitive nuclear weapons-related technology to North Korea, Iran, Libya, and Sudan do not fall into the wrong hands. I am fearful about an issue that is, after all, a global problem that goes well beyond our trade relations with one nation.

Nor is the is problem likely to be solved by our simply legislating sanctions against one country or another. This is a multilateral problem that isn’t going to be contained without meaningful cooperation and the involvement of all nations with a stake in containing the spread of nuclear weapons and other weapons of mass destruction.

I am also fearful that whichever way the vote turned out—and in this case it was defeated—it will be misinterpreted by those who want to believe that the U.S., specifically the U.S. Senate, does not care about the issue of nuclear proliferation, and therefore potential proliferators are free to do whatever they want.

I don’t believe that is an accurate nor wise message to be sending. Nor do I think it serves to further international nuclear nonproliferation cooperation.

As to the specifics of the amendment just adopted, I am puzzled by how the sponsors have chosen to approach what is, after all, a global problem. They have chosen to single out three countries—China, Russia, and North Korea—for their participation in proliferation activities, while effectively ignoring nations taken by other smaller nations. The list is much longer than those three nations. Any action taken should be global in its focus.

I also don’t understand why our existing nuclear nonproliferation laws don’t provide at least what I believe for the time being sufficient authority to the President to respond accordingly to violations of international non-proliferation standards by China or any other potential exporter.

They include: the Arms Control and Disarmament Act, Arms Export Control Act, International Emergency Economic Powers Act, Export Administration Act, Chemical and Biological Weapons Control Elimination Act, Iran-Iraq Nonproliferation Act, Nuclear Proliferation Prevention Act, and the Iran Proliferation Act of 2000. These laws cover a full range of dangerous proliferation activities.

The mechanics of the amendment just rejected also give me great pause. The way the statutory standards of the amendment could automatically trigger a number of mandatory unilateral sanctions that would ultimately hurt, or could hurt, our foreign policy, economic, and technological interests. We must ensure that only those who traffic in arms are affected by those sanctions.

Proliferation is a very delicate and complex interplay of economic and foreign policy agendas. Ensuring the fullest cooperation of all the major participants in this sector is by its very nature a dynamic process with significant diplomatic ramifications. Attempting to legislate the mechanics of that situation is akin to attempting to perform brain surgery with a hacksaw, in my view.

China has problems—serious ones—with proliferation. Nobody here is going to claim that China is a benevolent democracy, and I am sure we all agree that there is much China must do to meet the standards we expect of civilized nations who are going to join the World Trade Organization. Yet, I also believe we should recognize that there has been some positive movement in this area.

Recent efforts at U.S. engagement have resulted in China joining a number of major multilateral arms control regimes in assisting us to defuse a nuclear threat on the Korean Peninsula, and in participating constructively in international efforts to contain the escalating arms race between India and Pakistan.

How can we build on that progress? Are we going to do it by denying China PNTR or mandating the imposition of unilateral sanctions? Surely, there has to be a better way to encourage additional cooperation from Chinese authorities in this area.

I respectfully suggest that the Thompson amendment should not be misinterpreted because, as important as it is, it would be misguided, in my view, to include it as was attempted in this particular legislation. There is a far greater chance that we are going to get the kind of cooperation as a result of China being a part of the World Trade Organization than isolating them further.

I hope we will have another opportunity to address the proliferation issue. It is one that needs to be addressed. This would have been the wrong place.

(The remarks of Mrs. Hutchison are located in today’s RECORD under “Morning Business.”)

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated at my desk.

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

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 4128

Mr. HELMS. Mr. President, during the course of the Senate’s consideration of handing China the permanent most favored nation status—that is what it amounts to; just giving it to them—several of us have highlighted the abhorrent human rights record of the Communist Chinese Government.

China’s practice of forcing its women citizens to submit to abortions and/or sterilization—usually both—is not only grotesque; it is shameful, and this practice has been repeatedly documented for 20 years now. In fact, the most recent State Department Human Rights Report on China contains a detailed account of the cruel, coercive measures used by Chinese officials, such as forced abortions, forced sterilization, and detention of those who even dare to resist this inhumane treatment.

My pending amendment proposes to put the Senate on record as condemning the Chinese dictatorship’s barbaric treatment of its own people.

Although the Politburo of the Chinese Communist Party officially says—and I say absurdly says, and they say it—that forced abortion and sterilization are necessary for controlling China’s population, it is, to the contrary, a known fact that the Chinese Government does indeed, absolutely, and without question, force women to submit to forced abortion and to sterilization. Communist Chinese authorities strictly enforce birth quotas imposed on its citizens. They pay rewards to informants tattling on the women for having more than one child while making certain that local population control officials using coercive measures are left absolutely instrinct in the way they conduct themselves.

For example, I have in hand reports of this cruel situation from many Chinese citizens. I received this information in my capacity as chairman of the Senate Foreign Relations Committee. These citizens have witnessed firsthand countless episodes of this bloody cruelty. A defector from China’s population control program testified before a House International Relations Committee hearing by John Connally in the book of years ago that the Central Government policy in China strongly encourages local officials to use every conceivable coercive tactic in enforcing the one-child policy. They have described to me in person the results of women crying and begging for mercy simply because they were prepared to deliver a child.

Furthermore, Communist China’s population control officials routinely punish women who have conceived a child without Government authorization. They subject the women to extreme psychological pressures, enormous fines which they can’t possibly pay, along with the loss of their jobs, and with all sorts of other physical threats.

If women in China dare to resist the population control policy on religious grounds, they have to confront especially gruesome punishment. Amnesty International reported to us, and publicly, that Catholic women in two villages were subjected to torture, sexual abuse, and to the detention of their relatives for daring to resist China’s population program.
Very credible reports indicate that if ‘‘these’’ methods aren’t enough to convince women in China to abide by the regime’s population control program, forced abortions are carried out publicly in the very late stages of pregnancy. I think it was back in 1994 when it began. Since that time, forced abortion has been used in Communist China not only to regulate the number of children born but under the policy known as the ‘‘Natal and Health Care Law,’’ pregnant women who refuse to give birth to their babies are subjected to administrative detention on a mandatory basis if a Government bureaucrat arbitrarily declares that an unborn child is defective. Nobody checks on him. He doesn’t have to present any evidence. He just says the child is defective. That is it.

I believe it is common knowledge that I am a resolute defender of the sanctity of life. I have tried to do that ever since I have been a Senator, and prior to that time. But the pending amendment is not simply about life; it seems to me it is about liberty. Bureaucrats terrorizing women into unwanted abortions or medical operations permanently depriving them of their capability to have children, it seems to me, is the ultimate appalling affront to freedom.

My pending amendment urges the President to ask the Chinese Government to stop this ungodly practice. My amendment also calls on the President to urge the Chinese Government to stop putting Chinese women in jail whose crime is resisting abortion of a child or sterilization.

I think this is a modest measure. It doesn’t condition PNTR on China’s Government changing its abhorrent behavior. It simply asks the President of the United States to say to the Chinese that we want to defend the rights of women in China and ask the Chinese officials to see that that happens.

The question that comes to my mind is, Can the Senate proceed to award China with permanent trade privileges while refusing to express our revulsion at a basic violation of women’s freedom? The amendment I shall propose and call up in just a moment will not at all endanger passage of PNTR. We need not worry about that. I don’t think PNTR ought to be approved at this time. But this amendment will not forbid or prevent in any manner the enactment of PNTR. It will simply be a matter of the Senate doing and saying the right thing before it happens.

Amendment No. 4128
(Purpose: To express the Sense of Congress regarding forced abortions in China)

Mr. HELMS. Mr. President, I now call up amendment No. 4128.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 4128:

At the end of the bill, insert the following:

SECTION 702. SENSE OF CONGRESS REGARDING FORCED ABORTIONS IN CHINA.

(a) 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 more than 18 years there have been frequent, consistent, and credible reports of forced abortion and forced sterilization in 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 abortion has no role in the population control program, in fact the Communist Chinese Government encourages forced abortion and forced sterilization through a combination of strictly enforced birth quotas, rewards for informants, and impunity for local population control officials who engage in coercion.

(B) A recent report on the population control program, testifying at a congressional hearing on June 10, 1998, made clear that central government policy in China strongly encourages local officials to use coercive methods.

(C) Population control officials of the People’s Republic of China repeatedly report to 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 unpaid fines and loss of employment, and often to physical punishment.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. According to a 1995 Amnesty International report, the Catholic inhabitants of a village in Hebei Province were subjected to enforcement measures including 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, including numerous examples of actual infanticide.

(F) Since 1994 forced abortion has been used in Communist China not only to regulate the number of children, but also to destroy those whose existence is undesirable because of physical or mental disabilities in accordance with the official eugenic policy known as the “Natal and Health Care Law”.

(3) According to State Department Country Reports on Human Rights Practices for the People’s Republic of China since 1983, Chinese officials have used coercive measures such as sterilization, forced sterilization, and detention of resisters.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) The President should urge the People’s Republic of China to cease its forced abortion and forced sterilization policies and practices;

(2) The President should urge the People’s Republic of China to cease its detention of those who resist abortion or sterilization.

Mr. HELMS. I thank the clerk. I thank the Chair.

I ask for the yeas and nays. I don’t believe I will be able to get them at this moment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. Mr. President, I simply want to inquire about how much time I have remaining on my side.

The PRESIDING OFFICER. The Senator has 21 minutes left.

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. Mr. President, I ask unanimous consent it be in order for me to request and to receive a rollcall on the pending amendment.

Mr. ROTH. Reserving the right to object, I think the hope is that we will set the vote aside and have several votes later.

Mr. HELMS. Do I have the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. To call the distinguished chairman that I am aware of that and I favor it. However, I do want to get the yeas and nays on my amendment. The scheduling of a whole series of amendments suits me just fine.

Mr. ROTH. We join the Senator in asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. China’s record on family planning and its use of forced abortion is indefensible. The country’s policy violates the most fundamental human rights. That is why the United States does not contribute funds directly or indirectly to China’s family planning programs.

As I said, if PNTR is amended, a conference and another round of votes on H.R. 4444 will be necessary, likely destroying any chance for PNTR. Therefore, I must ask that my colleagues join me in voting against this amendment.

The PRESIDING OFFICER. If no one yields time, time will be equally charged on both sides.

Mr. HELMS. Mr. President, we have a Senator on the way to the Chamber to speak on the pending amendment. I suggest, to save time, the pending amendment be laid aside temporarily so I can call up a second amendment.
The PRESIDING OFFICER. Is the Senator making a unanimous consent request?

Mr. HELMS. Mr. President, I ask unanimous consent—and I hope everyone will agree to the unanimous consent—to lay aside the pending amendment.

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

Mr. HELMS. Mr. President, I wish to renew my request that it be in order for me to be seated during the presentation of my remarks.

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

AMENDMENT NO. 4123

(Purpose: To require the Secretary of Commerce to consult with leaders of American businesses to encourage them to adopt a code of conduct for doing business in China, and to consult with leaders of American businesses in China, which businesses, have significant trade with, or have conducted significant business in, China.

The purpose of this amendment is to do as the amendment proposes.

I have always been skeptical about this because businesses are not in the business of expanding democracy. I am not going to comment on what the businesses support in PNT and the way it is being supported. Be that as it may, however, I believe I must have my say for the benefit of the Senate.

The powerful lure of potential huge Chinese markets has obviously clouded the judgment of some of our top companies and some of their executives. With regret, I have concluded that some of America's top businesses have been willing to supplicate to the Communist government of China, hoping that the Chinese Government will allow them someday to make a profit there.

I want the Senate to consider the following statements and actions by American businesses in China, which are stated as findings in the pending amendment:

No. 1, the chief executive of Viacom media corporation told the Fortune Global Forum, a September 1999 gathering of hundreds of corporate leaders in Shanghai to celebrate—get this—the 50th anniversary of communism in China.
“Where there are political sensitivities, we did not want to offend anyone.”

No. 7, in 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to China’s Internet rules which provide for censoring any political information—now get this—“deemed unacceptable to the Communist government.”

I am forced to wonder if some of our business leaders understand what they are doing when they make such statements and make such decisions. Obviously, they are trying to curry favor with the Communist Government of China in which they aim to do business. But isn’t there a limit to what they would do to accomplish what they seek? To say things that are so clearly untrue, or to agree to self-censorship when some of them are in the media business, it seems to me, undermines the ultimate goal of these companies—their larger profits—by legitimizing the Communist government that manifestly does not even believe in the free enterprise system.

In any event, some U.S. businesses certainly did not seem to get a very good return on their investment of goodwill. Just consider how the Chinese Government repaid Time-Warner, for example. At the very moment that Time-Warner was sponsoring a conference in Shanghai for American business leaders to celebrate the 50th anniversary of Chinese communism, Chinese leaders banned the then-current issue of Time magazine, which is owned, of course, by Time-Warner. They removed it from the Chinese newsstands—because of what? Because that issue happened to include commentaries by some Chinese dissidents and by the Dalai Lama. Then China blocked the web sites of Time Warner’s Fortune magazine, as well as CNN, the founder of which is a self-described socialist—I heard him say it; he said it.

Chinese officials denied the conference organizers the right to invite certain Chinese participants to the forum. Instead, the Chinese leaders padded the guest list with managers of—what? Chinese-run firms.

That is the way they do business over there. That is the crowd that everybody in this country seems to be clamoring to bow and scrape to.

I have to say this for the Chinese leaders; at least they stood up at the banquet at the conclusion of the conference and harshly lashed out at the United States for daring to speak about human rights while in Communist China, and for defending democratic Taiwan, of course.

So I wonder if our corporate executives woke up the next morning feeling a little bit underappreciated. But even if they did not, one thing is for certain. This type of attitude and conduct by American businessmen will never, never promote democracy in China, let alone participate in causing it to come about. If the presence of American businesses truly purports to aid in bringing democracy to China, then those businesses, it seems to me, must conduct themselves in a manner reflecting basic American values—such as individual liberty and free expression and free enterprise.

That is a pending amendment’s voluntary—and I repeat voluntary—code of conduct calls for. Of course, I realize that some American firms have already adopted their own ethical rules and codes for international business, but generally they are limited, narrow business practices, don’t you see, and certainly have not prevented the sort of kowtowing to China’s ruling Communists whom I have just described.

The point is this, and I will conclude. I fail to see any reason on the face of the Earth why the Senate should not take this step at least before concluding that trade will automatically bring democracy to Communist China.

Mr. President, before I yield the floor, let me request, by the same method as previously, that I be granted the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

AMENDMENT NO. 428

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to return to the Helms amendment No. 4128.

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

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

AMENDMENT NO. 4128

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to return to the Helms amendment No. 4128.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

The Helms amendment simply expresses the sense of Congress that, one, Congress should urge China to cease its forced abortion and forced sterilization policies, and two, the President should urge China to cease its detention of those who resist abortion and sterilization. It is a good amendment. There is nothing wrong with this amendment. It is fair and it is reasonable.

In addition, I also believe that Chinese women should have the right to choose to have an abortion, and I am proud of Senator HELMS for bringing this to the attention of the Senate during this debate, and I cannot understand, for the life of me, why we cannot allow simple sense-of-the-Senate language to this permanent normal trade relations bill for China. We are saying this is fine, we will ignore it, not talk about it, as long as we can sell them wheat, corn, whatever, and make money. So we can ignore this.

I am the first to admit we cannot intrude, unfortunately, into the policies of the Government of China, but we can make known these policies to the world and we can say as a nation, supposedly the moral leader of the world, that this is wrong.

I am proud of Senator HELMS for bringing this to the attention of the Senate during this debate, and I cannot understand, for the life of me, why we cannot allow simple sense-of-the-Senate language to this permanent normal trade relations bill in an effort to stop this horrible, barbaric behavior.

The Helms amendment simply expresses the sense of Congress that one, Congress should urge China to cease its forced abortion and forced sterilization policies, and two, the President should urge China to cease its detention of those who resist abortion and sterilization. It is a good amendment. There is nothing wrong with this amendment. It is fair and it is reasonable.

In addition, I also believe that Chinese women should have the right to choose. It is interesting, those who have been the strongest proponents of abortion in this Chamber—when it comes to a Chinese woman’s right to say, “I want to have my child,” the silence is deafening. When a woman says, “I have the right to choose to have an abortion, why are we shut out here in full force. A little inconsistency?

The point is, a Chinese woman is told, in spite of the fact she wants to
have her child, that she cannot, and not only can she not have it, it is aborted forcefully.

I had constituents, a young couple, a few months ago come to me. They were both Chinese. They had been visiting America for about 5 or 6 months and were pregnant and was told if she went back to China the child was going to be aborted. I turned all hands on deck to get that case resolved so they did not have to go back, and she did not go back. She had that child, now an American citizen, born in freedom, but that child would have been aborted in China against the wishes of the mother. We cannot even get this issue addressed with sense-of-the-Senate language before we pass on the fast track permanent normal trade relations.

There is so much talk about choice, but the choice only runs one way—when one is talking about the woman’s “right” to an abortion. When it comes to the right to choose to have her baby, silence.

It is a stated position of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program. In fact, the Chinese Communist Government encourages both forced abortion and forced sterilization. I emphasize “forced.” They accomplish this through a combination of strictly enforced birth quotas and immunity for local population control officials who use coercion to force abortion.

Nobody really knows for sure how many women undergo these abortions. We do not exactly have a population count on that score. Most women are afraid to report. The numbers are kept secret.

According to Harry Wu, the director of the Laogai Research Foundation, who once lived in China and now monitors and writes about his native homeland, the city of Jianjiang alone experienced forced abortions in one 9-month period in 1997. Those were women who wanted to have their children and were forced to have an abortion.

One can imagine the horror of the woman who has to go through that. I say with the greatest respect for those who disagree with the issue, where are you today? If you are for a woman’s right to choose to have an abortion, why can you not be for a woman’s right not to have an abortion? Why the silence? Where are the votes on this amendment?

I want to spend the next minute or two telling about one brave woman who dared to come out of Red China to talk about this so-called planned birth policy. Her name is Ms. Gao. She testified before the House Subcommittee on International Operations and Human Rights a couple of years ago. According to Ms. Gao, in order to successfully carry out the policy, precise records of the women involved were compiled, noting their names, births, marriages, pregnancies, reproductive cycles—all sorts of information.

Women who met the planned birth committee’s criteria were then issued a “birth allowance,” while those women who did not meet the criteria were given “birth not allowed” notices.

This is the country to which we are giving permission to trade relations. Senator HELMS is not forcing us to do anything except to put this language in the bill as a sense of the Senate that alerts the world to this practice. That is all he is asking. We are told if we support Senator HELMS, we are actively supporting the rest of the bill. So? Permanent is permanent. What are a few more days, hours, minutes? I venture to say, if we sent this back to the House with the Helms language in it, it would take the House about 5 minutes to approve it, and that would be the end of it.

What they are really afraid of is opposing the Chinese—that is what this is about—because we do not want to lose the sales of our agricultural products, which are more important than the lives of children who are forcibly killed in front of their parents. If a woman is found to be pregnant and does not possess a birth-allowed certificate, she is immediately taken to a hospital no matter how far along the pregnancy is. I repeat—no matter how far along the pregnancy is.

Enforcement is a crucial component of China’s planned parenthood policies. Mandatory medical inspections for women of childbearing age are frequent. One can imagine the secrecy, trying to hide the fact you are pregnant if you want to have the child, maybe even keeping it from your own family, certainly friends, relatives, for fear you are going to be turned in to Big Brother, the Communist Chinese Government. Those who fail to undertake these medical examinations at the preordained time face jail and monetary fines.

Night raids to apprehend women in violation of the policy is why you see nightmares are frequent. Where are the proponents of women’s rights on this debate? Why are they not standing with Senator HELMS?

If the Chinese Government cannot locate the woman, they will detain her husband or her parent or anyone in her family until she comes forward and surrenders to have that abortion.

This is happening in China. Let’s not kid ourselves. Let’s not pretend it does not happen. It is happening in China.

China’s women and children. Ms. Wu’s testimony in 1998. It is pretty compelling, and it is not pleasant. She said:

Once I found a woman who was 9 months pregnant but did not have her birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, I saw how the aborted child’s lips were sucking, how its limbs were stretching. A physician injected poison into the skull, and the child died and was thrown into a trash can. To help a tyrant do evil was not what I wanted. I could not live with this on my conscience. I, too, after all, am a mother.

She goes on to say:

All of those 14 years, I was a monster in my parents’ eyes. I lived for my mother, and I lived for my husband. I was a monster in my parents’ eyes. I lived for my mother, and I lived for my husband. I could not live such a dual life anymore. Here, to all those injured women, to all those children who were killed, I want to repent and say sincerely that I’m sorry. I want to be able to live as a human being.

I have sincere hope that what I describe here today can lead you to give your attention to this issue, so that you can extend your arms to save China’s women and children.

Senator HELMS has fulfilled that lady’s expectations by bringing this to the attention of the Senate, the American people, and the world, on behalf of China’s women and children.

What is a real shame is, what the Senator is asking here will be rejected as we vote no.

Finally, Ms. Mao stated:

My conscience was always gnawing at my heart.

You see, because the official religion of the Chinese Government is atheism, as it is with all Communist regimes, their policies and officials do not have to answer to any higher power except to the state. There is no sense of morality behind their Government’s decision-making process.

But let me ask a very poignant question. Is there a sense of our morality to ignore it? What does it say about our morality to say we will sell corn and wheat and make a profit and ignore this? Why not say: Stop this and we will sell you the corn and the wheat? Isn’t that better? Aren’t we supposed to be the moral leader?

When God is absent, human life is invaluable, isn’t it? It does not have much meaning because we are children under God. If you do not believe that, then life has no meaning other than how it exists here on this Earth.

That is why you have forced abortions. That is why you have persecutions. That is why you have tanks poised to run over protesters. That is why you have tanks poised to run over protesters.

That is why you have harvested organs. I talked about that this morning in my amendment, I say to Senator HELMS, which got 29 votes, including the Senator’s, for which I am very grateful. They also do that. That is another issue. China harvests organs—not from willing donors—from prisoners who sometimes do nothing more than pull against the rope. They are executed by being shot in the head, and then organs are taken and sold for $30,000 apiece for a kidney, and the money is given to the Chinese military.

We lost on that amendment. I say to Senator HELMS, by a vote of something to 29. What does that say? That we are unwilling to send this back to the House for 5 or 10 minutes in conference and pass it?

That is why I am strongly supporting this amendment by Senator HELMS. I am proud to support this amendment. I am proud to stand here on the floor of the Senate and say that this is wrong.
Sometimes you have to say things whether you win the debate or not. Sometimes it does not matter whether you win the debate or not; it is just having the debate that matters.

His amendment would encourage the Chinese government putment to stop this atrocity, to stop the practice of sterilization, forcing abortion on unborn children and forcing women to have those abortions.

It is not unreasonable to ask my colleagues to put this amendment which is vital to human rights in China. It is vital to the rights of a woman and it is vital to the rights of a child.

Mr. President, I ask unanimous consent to have this letter which is vital to the Chinese family. I believe that this is vital to human rights in China.

AUBERGE POPULATION

It has been over twenty years since the People's Republic of China, which has 22% of the world's population, began implementing its population policy, or as the regime itself calls it, a one-child policy. Since 1979 when the population-control policy was first implemented, it has been a top-down system of control. The Communist government has taken to blaming the cultural traditions of its own people for the population explosion. The need to remne growth and combat the traditions of large families became justifications for one of the most barbaric abuses of government power ever revealed: the infamous “one-child” policy.

Since 1979 when the population-control policy was first implemented, it has been a top-down system of control: the central government establishes general policy guidelines, and local governments institute and enforce specific directives and regulations to meet these guidelines. For example, the central government has enacted a “birth-certificate” policy, which planned birth cadres are required to have. They are required to have private birth certificates for all births, and to report all births to the central government. The central government has also enacted a “one-child” policy, which planned birth cadres are to enforce. The Chinese government has always insisted that it uses only voluntary methods to control population, but this is not the case. The Chinese government has been forcing women to have abortions, sterilizations, and contraceptive insertions, and has been punishing those who do not cooperate with the government's policies.

The Chinese government has been enacting a “one-child” policy in order to control the population. This policy has been in effect since 1979, and has become even more strict in recent years. The Chinese government has been enforcement this policy through the use of fines, imprisonment, and forced abortions. This policy has been met with widespread resistance, and has been the subject of much criticism.

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called “induced delivery.” In her town, an average of 10–15 abortion surgeries are performed monthly, and of those surgeries, one third are for pregnancies exceeding 3 months.

Every month her town prepares a report, the “synopsis of planned-birth report.” It enumerates in great detail the amount of births, abortions, and the use of contraceptives, and implementation of birth-control measures in Yonghe Town: Following its completion, it is submitted to the planned-birth committee. When Gao went to the planned-birth office, she witnessed how many men and women were persecuted by the Chinese communist government for violating its policy of the “dear Party,” and women were persecuted by the Chinese government for violating its planned-birth policy. For instance, in January–September 1996, of all the women of child-bearing age with 1 child, 1,633 underwent device-insertion surgeries, or underwent subcutaneous-device-insertion surgeries, and underwent sterilization surgeries; of women of child-bearing age with 2 children, 3,889 underwent sterilization surgeries, 167 underwent device-insertion surgeries, and 18 were pregnant with birth-control medications (among the group with 2 children, of the 186 women who had 2 daughters, 170 were sterilized). In January–September 1996, a total of 705 surgeries were performed. For crimes in five categories were performed. They included: 256 sterilization surgeries (35 for two daughters), 306 device-insertion surgeries (23 cervical, 3 subcutaneous-device-insertion surgeries, 41 artiﬁcial abortion surgeries, and 71 induced delivery surgeries. In the ﬁrst half of the year of 1997, a total of 389 surgeries were performed. Of those, 246 were device-insertion surgeries, and 41 artiﬁcial abortion surgeries.

They included: 101 sterilization surgeries (12 for two daughters), 27 induced delivery surgeries, 228 device-insertion surgeries, and 33 artiﬁcial abortion surgeries. Gao’s office had to submit all of this data to the municipal planned-birth committee monthly and annually so that it could be kept on file. It was done twice or three times a month.

Gao and her husband were married in 1983, and gave birth to their daughter one year later. Despite their desire to have more children, they were not allowed to give birth to a second child since she was not allowed to receive their planned-birth policy. In late 1993, Gao and her husband adopted a boy from Harbin, a province in northeast China. They had no choice but to keep him in the town. When Gao was pregnant with their second child, her boyfriend paid the nurse to have her child put in the trash can. “To help a tyrant do evil,” is a common Chinese saying. The planned-birth policy in China is “so vile that [it] will cause the children to be killed.”

“mama” in the presence of outsiders. Whenever Gao conducted door-to-door checks, her son had to hide elsewhere.

Her elder sister and her elder brother’s wife became pregnant twice. Each time one of them was sterilized, their health ruined, making it impossible for them to ever live or work normally. During her 14-year tenure in the planned-birth office, she witnessed how many men and women were persecuted by the Chinese communist government for violating its planned-birth policy. Many women were crippled for life, and many were victims of mental disorders as a result of their unwanted abortions. Families were ruined or destroyed by the unplanned pregnancies, and when they came forward, they were told during her testimony of how her conscience was always gnawing at her heart.

She vividly recalled how she once led her subordinates to Yingling Town Hospital to check on births. She found that two women in Zhoukeng Town had extra-plan births. In a move approved by the head of the town, she led a planned-birth supervision team composed of a dozen cadres and public security agents. Sledgehammers and heavy crowbars in hand, they went to Zhoukeng Town, and dismantled the women’s houses. Unable to apprehend the women in the case, they took their mothers and detained them in the police station for one month. The women’s detention was unbroken. It was not until a month and a half later that the women surrendered themselves to the planned-birth office, where they were quickly sterilized and monetary penalties were imposed. Gao spoke at length about how she thought she was conscientiously implementing the Party’s planned-birth policy, and that she was just being an exemplary cadre.

Once Gao found a woman who was nine months pregnant, but did not have a birth-control certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, she saw the abortionist use a “ unlocks the back of the skull, the child died, and it was thrown into the trash can.” To help a tyrant do evil”, women’s lives were destroyed.

Also testifying at the hearing was Zhou Shu Yon, a victim of the Chinese planned-birth policy. Zhou, who had known her boyfriend since childhood, became pregnant at age nineteen. She did not have a birth allowance certificate, so her pregnancy was considered illegal. When she became ill and was hospitalized, her boyfriend paid the nurse to have the infant put in the trash can. “To help a tyrant do evil,” is a common Chinese saying. When she was pregnant with her second child, she was threatened with sterilization surgeries, 167 under- went device-insertion surgeries, and 19 were pregnant with birth-control medications (among the group with 2 children, of the 186 women who had 2 daughters, 170 were sterilized). In January–September 1996, a total of 705 surgeries were performed. For crimes in five categories were performed. They included: 256 sterilization surgeries (35 for two daughters), 306 device-insertion surgeries (23 cervical, 3 subcutaneous-device-insertion surgeries, 41 artiﬁcial abortion surgeries, and 71 induced delivery surgeries. In the ﬁrst half of the year of 1997, a total of 389 surgeries were performed. Of those, 246 were device-insertion surgeries, and 41 artiﬁcial abortion surgeries.

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China has made in the last two decades is that overpopulation makes China a backward limited economic resources and over- population cause disruption of education, the environment, and negatively affect quality of life issues in China.

In short, the Chinese government wishes that overpopulation makes China a backward nation, and that controlling it will allow them to develop as a nation. Such a point of view is preposterous, and is count- ered by the following two observations:

1. The Chinese government is a top-down system. Their personal experiences may be more trustworthy than those of the testimonies, along with pictures and videotapes, please write, call, fax, or email the Laogai Research Foundation in Washington, DC. Our contact information is listed below. Help us stamp out this egregious abuse of government power. Millions of women and children need your support. If China requires a population policy, it must be based on voluntary education, not coercion and intimidation. To give birth and plan one’s family is a fundamental human right, and should be deprived from no one.

Sincerely,

HARRY WU,
Executive Director,
Laogai Research Foundation.

Mr. SMITH of New Hampshire. Mr. President, in the remaining couple of moments, I will just conclude by saying, I have been out here a number of times following, frankly, in the huge footsteps of Senator HELMS, in a very small way, to talk about protecting the lives of unborn children.

But this goes far beyond that. This debate now has taken a new level. It is now forcing abortions on women against their wishes. I hope that some- day Senator HELMS and I, and others, will see the opportunity to stand here in the well and see this practice of abortion ended in this country. Because who knows what is next? If we do not respect the lives of our children, then what do we respect?

Children are a lot smarter than we give them credit for. I have raised three. A lot of you out there listening to me now have raised more than that. They are smart. They know when you look the other way while they do it in China. We should not be real surprised.

Forty million children have died in this country alone from abortion. Those 40 million children will never get to be a Senator, a spectator in the gal- lery, a mother, a pastor, a CEO. They are never going to have the chance to be a page. They never had a chance, 40 million of them. We did.

So maybe we should not be too sur- prised that the Senate is willing to look the other way while they do it in China. We should not be real surprised.

But someday I pray that I will be able to stand here and say thank you to at least 67 of my colleagues who put a
many Chinese workers are leaving state-owned enterprises to look for work with American companies in China whenever they can find the opportunity. Their wages, benefits and working conditions are almost invariably higher than any other workplace they can find.

My point is that there is no need to force American companies to adopt so-called voluntary codes of conduct with respect to their operations in China. They are already providing opportunities in China that confirm that there is a race to the top, not a race to the bottom, when American firms operate overseas.

Given the potential beneficial impact that our firms can have in direct contacts with employees, other businesses in China and directly with consumers under the WTO agreement, I would think we would want to do everything we could to ensure that American exporters were free to operate in China, rather than compelling the Secretary of Commerce to dictate to American companies on exactly how they should conduct their operations in China.

The reason I say that and the reason I oppose this amendment and support PNTR is that each American company hiring a Chinese employee is sowing the seeds of political pluralism at the same time. That is precisely how we can best foster both economic and peaceful political reform in China.

For that reason, I urge my colleagues to oppose the amendment.

I ask unanimous consent to print in the RECORD the Executive Summary contained in the Business Roundtable report to which I referred.

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

EXECUTIVE SUMMARY

U.S. companies with operations in China are contributing to the improvement of social, labor, and environmental conditions in China. They are not only their products and services, but also their operating standards, best business practices, values, and principles. U.S. companies serve as agents of change. When U.S. companies set up operations in China, they bring with them U.S. ethical and managerial practices. These practices shape the way they run their factories, relate to their employees, and contribute to local community activities. Through these practices, U.S. companies set a positive example for corporate citizenship and cooperation of norms within Chinese society. Indeed, many of these practices are increasingly being adopted by domestic enterprises in China.

U.S. companies, international operators often establish global business practices that are implemented in a similar and appropriate way across all the countries in which they can find an opportunity to pursue such policies. In China and elsewhere, U.S. companies advance the cause of important social, labor, environmental, and economic objectives, including property rights, and environmental practices; consistent enforcement of high ethical standards; increased compensation, training, and educational opportunities for workers; fair and transparent market reforms; and the rule of law.

To highlight the positive impact of U.S. companies, we have compiled a sample of the best practices currently in use by U.S. companies in China. Together, these practices tell a remarkable story about the role of companies in China beyond providing goods and services.

These practices span eight principal areas: Ethical and responsible business behavior; Corporate codes of conduct; New ideas and information technology; Western business practices; Environmental, energy efficiency, health, and safety standards; Compensation, benefits, and training; Volunteerism, charitable giving, and community activism; and Trade law.

I. U.S. COMPANIES PROMOTE ETHICAL AND RESPONSIBLE BUSINESS BEHAVIOR WITHIN THEIR FACILITIES AND WITH THEIR CUSTOMERS AND SUPPLIERS

U.S. companies strive to integrate their Chinese operations seamlessly into their world-wide operations. They conduct substantial ethical training for their employees as they do the rest of their workforce worldwide. This training is more than simply a set of rules to follow. The training concentrates on fundamental concepts such as anti-corruption, mutual respect in communication, and teamwork. And it is collaborative: company officers go on-site to Chinese locations to offer guidance on compliance, to listen to employees' concerns about the practices in use. In addition, to facilitate candid communication, the companies also have procedures for employees to communicate directly with management.

II. U.S. COMPANIES UPHOLD COMPREHENSIVE CORPORATE CODES OF BUSINESS CONDUCT AND ETHICS

These corporate codes cover an array of topics, from managing supplier relationships, to protecting the environment, abiding by antibribery laws, supporting equal employment opportunity, and offering job advancement based on merit. The codes are translated into local languages, and as with ethics training, companies back up these codes with programs to ensure compliance. For example, company ethics training is followed by ethics renewal workshops to keep concepts fresh in employees' minds, keep employees current with revisions to the codes, and underscore the importance of compliance.

III. U.S. COMPANIES CONTRIBUTE TO A MORE OPEN CHINESE SOCIETY THROUGH THE INTRODUCTION AND DISSEMINATION OF IDEAS AND INFORMATION TECHNOLOGIES

By giving Chinese employees and consumers access to information technology, U.S. companies are giving individual Chinese citizens the opportunity to communicate with people inside and outside China, in the United States and in the rest of the world. U.S. companies are exposing Chinese citizens to new information, ideas, and behavior. They do so by giving their employees in China access to the Internet, Chinese-language web pages, and worldwide e-mail, which allow them to exchange information with people around the world instantaneously. U.S. companies provide access to international business, political, and financial news. They also sponsor employee newsletters to exchange information among sites across China. In addition, U.S. companies expose Chinese government officials to new ideas, such as through joint, bilaterally acceptable discussions with officials in Chinese ministries to exchange ideas and experiences.

IV. U.S. COMPANIES ACCELERATE EXPOSURE TO, AND ADOPTION OF, WESTERN BEST BUSINESS PRACTICES

U.S. companies accelerate adoption of Western business practices in two ways: by—
VerDate Mar 15 2010 23:19 Dec 04, 2013 Jkt 081600 PO 00000 Frm 00039 Fmt 4624 Sfmt 0634 E:\2000SENATE\S13SE0.REC S13SE0mmaher on DSKCGSP4G1 with SOCIALSEC

companies pay their Chinese employees sub-
stantially higher wages than Chinese-owned firms do. In addition, U.S. companies offer forward-looking benefits programs, such as subsidies to encourage home ownership, on-site day care, performance-linked rewards systems and incentives for good safety practices. Together, these benefits lead to low employment turnover rates.

U.S. companies also offer comprehensive technical training. They have technical training centers located throughout China, some even receive Western MBAs through on-site day care. Companies also offer per-
subsidies to encourage home ownership, and forward-looking benefits programs, such as
V. U.S. COMPANIES PROVIDE FOR AND PROMOTE ADVANCEMENT ON THE BASIS OF MERIT

companies in China are setting an example of volunteerism and community activ-
U.S. companies in China are setting an example of volunteerism and community activ-
These funds empower local communities, and set worldwide operating principles for their international facilities, including China, and these principles are based on U.S. standards. By setting of exceeding the Chinese standards, U.S. companies put pressure on domestic Chinese enterprises to comply with these higher, international standards.

And U.S. companies not only bring higher standards, they bring the technology to meet these higher standards, by providing ad-
anced environmental protection and energy efficiency. And by sponsoring environ-
extimate to China and to ensure China could enter first and then Tai-

It has been agreed since 1993 that Taiwan would enter the WTO. It has been regularly read for so out of deference to China and to ensure China could enter the WTO. I believe virtually every Senator and every Member of the other body is committed to that. I know the administration is committed to that. But there has been a roadblock to China's PNTR and WTO accession had we not clarified some thing with respect to Taiwan.

There has been a commitment by the administration to ensure that when the Senate and the House have approved PNTR for China, China would not as a province of China. That, of course, is contrary to the agreement made by high Chinese officials that have cast some doubt on whether or not China would make good on its commitment to support Taiwan's accession into the WTO.

While the leaders of China had said they would support Taiwan's entry, they said it must be under terms pro-
vided by China. Specifically, that meant it had to be Taiwan entering the WTO as a province of China. That, of course, is contrary to the agreement that had been done. But out, contrary to all the wishes of the mem-
bers of the working study group and the United States, and of course Tai-

The administration has taken a firm position that they will not support that kind of language; that Taiwan must come in as a separate customs territory or separate trading territory and not as a province of China.

Mr. KYL. If I may take the majority time, I don't need unanimous consent. The PRESIDING OFFICER. The Senator may do so.

Mr. KYL. Thank you, Mr. President. Mr. KYL. Mr. President, the point is that we are going to be considering RE for China, which will enable China to join the World Trade Organization within the week, and presumably that will be done in accordance with the bill passed by the House of Representatives.

It is important that we ensure the other party to this equation is taken care of because there don’t appear to be any more roadblocks to the Senate’s consideration of PNTR and China’s entry into the body from a legislative perspective. But there could have been.

It is also important that Taiwan enter into the WTO. I believe virtually every Senator and every Member of the other body is committed to that. I know the administration is committed to that. But there has been a roadblock to China's PNTR and WTO accession had we not clarified some thing with respect to Taiwan.
This has been enough of a matter of concern—these statements made by Chinese leaders—that we sought assurances from the administration and had meetings with administration officials to clarify. Specifically, a group of Senators met with Charlene Barshefsky to inquire into the status, of the matter, particularly since Jiang Zemin is quoted as having made statements in New York a few days ago that China would only agree to Taiwan’s entry under this term expressing Taiwan as a province of China.

I will have printed in the RECORD some items. One is a Wall Street Journal lead editorial from yesterday in which the Wall Street Journal notes:

Addressing a business group during his visit to New York for the United Nations summit, Mr. Jiang said of course Taiwan could join the WTO, but only as part of China.

The editorial goes on to note that is unacceptable to the United States, and that the Senate needed to act with respect thereto.

Ms. Barshefsky confirmed that President Clinton told Jiang that Taiwan would have to come in under the terms originally negotiated, not as a province of China. Jiang responded with the Chinese position, and the President then responded with the U.S. position again. The controversy, in other words, was not put to bed.

Earlier, the Chinese Foreign Ministry spokesman Yuxi is reported to have said: The Chinese side has a consistent position under the original terms and that it would not allow entry by China and not entry by Taiwan in the appropriate way.

A day later, yesterday, the President sent a letter to the majority leader, with copies sent to all Senators. I quotiated in the meeting, dated September 12, in which the President advises the leader on two matters pending. One was the Thompson amendment dealt with earlier today, but the other was the matter that we discussed, and as I understand it, this was explicitly inserted in the letter to provide the assurance that we had requested the day before.

Let me quote from the President, indicate what I think this means, why it is important, and why as a result it will not be necessary to pursue the amendment which I filed earlier.

The President says:

There should be no question that my Administration is firmly committed to Taiwan’s accession to the WTO, a point I reiterated in my September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the terms referred to as “Chinese Taipei.” The United States will not agree to this language unless and until we receive the assurance that the administration of China, as lease, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as “Chinese Taipei”), will not do.

That is important because the President of the United States has defined the appropriate language for Taiwan’s accession to WTO as a separate customs territory of Taiwan, not as the Chinese had been insisting, as a province of China. I believe the President’s understanding is clear; I again quote the last sentence: “The United States will not accept any other outcome.”

I can’t think of a clearer statement by the President of the United States that we will insist upon Taiwan’s accession under specific terms—and those specifically identified here—and, at the same time, that China is admitted to the WTO. In my view, this provides the necessary assurance that the President, those working on his behalf, will be able to say it that the administration is in a position, as a result, it seems to me unnecessary to pursue the amendment which I had earlier filed.

As a result, I spoke with Senator MURkowski, Senator HELMS, Senator SESSIONS, Senator ROTH, and others who I thought were interested in the issue. They have all concurred that this language is sufficient, and as a result I will not be offering the amendment.

I applaud the President’s action in this regard. I appreciate the action of Ms. Barshefsky and her counsel, and certainly reiterate my intention of working with the administration on this important matter. Taiwan represents an extraordinarily important trading partner for the United States and a very good ally, an ally of which we need to continue to be supportive.

I will identify specifically the documents I will have printed in the RECORD at this time. First, a letter to me from the President of the United States dated August 31; second, a letter to the majority leader from the President of the United States dated September 12; third, a Wall Street Journal editorial dated September 12; fourth, a letter to the Pentagon from the President initially dated July 27, 2000; and finally, a copy of an AP story dated from earlier, the headline of which is “China Asserts Claim Over Taiwan,” dated September 7, 2000. I ask unanimous consent to have these documents printed in the RECORD.

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

Thanking for your cooperation, the material was ordered to be printed in the RECORD, as follows:


Hon. Jon KyL
U.S. Senate, Washington, D.C.

DEAR SENATOR KYL: Thank you for your letter regarding Taiwan’s accession to the World Trade Organization (WTO). My administration remains firmly committed to the goal of WTO General Council approval of the accession packages for China and Taiwan at the same session. This goal is widely shared by other key WTO members. China has made clear on many occasions, at high levels, that it will not accept Taiwan’s accession to the WTO. Nevertheless, China did submit proposed language to their working party stating that Taiwan is a separate customs territory of China. We have advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it. For this reason, the administration is widely shared by other WTO members.

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Again, thank you for writing concerning this important matter.

Sincerely,

BILL CLINTON.


Hon. Trent Lott
Majority Leader, U.S. Senate, Washington, D.C.

DEAR MAJORITY LEADER: I want to commend you for commencing debate on H.R. 4444, which would extend Permanent Normal Trade Relations to the People’s Republic of China. This crucial legislation will help ensure our economic interests support our work on human rights, and enhance our national security.
Normalization of trade and economic relations with China will allow American workers, farmers, and businesspeople to benefit from increased access to the Chinese market. It will also give America an opportunity to promote increased openness and change in Chinese society, and increase our ability to work with China across the road rage of our mutual interests.

I want to address two specific areas that I believe the Senate should be concerned about. The first is how we implement the Permanent Normal Trade Relations (PNTR) Act of 2000. The second is how we proceed on the Taiwan question.

PNTR legislation is already making major progress. Under the PNTR Act, China will receive the same trade benefits as any other country that meets the requirements. This is a good deal for both countries. China will have a stable and predictable trading relationship with the United States, and the United States will have a clear understanding of what China expects.

The Senate should work to ensure that China meets the conditions for PNTR. This includes protecting intellectual property, ensuring fair competition, and improving labor rights. It is essential that China lives up to its commitments.

As for Taiwan, the United States continues to support the peaceful reunification of China and Taiwan. We believe that this can be achieved through discussions and negotiations. The Senate should support the peaceful resolution of the Taiwan question, including any joint ventures.

I urge the Senate to support these efforts and work towards a resolution that is acceptable to all parties.

Sincerely,
BILL CLINTON

(From the Wall Street Journal, September 12, 2000)

Jiang Muddies the Waters

Chinese President Jiang Zemin is nothing if not a man of few words. His recent week’s crucial U.S. Senate vote on granting China permanent normal trade relations (PNTR) with the U.S. Mr. Jiang raised an issue that had been on the agenda of the Senate for weeks. He said, in effect, that Taiwan should not be admitted to the World Trade Organization (WTO) unless it meets certain conditions.

Addressing a business group during his visit to New York for the United Nations summit, Mr. Jiang said that of course Taiwan had its own place in the WTO, but only after China, the parent country, had accepted it. Based on our New York discussions with the Chinese, I am confident we have a common understanding of the possibility that China and Taiwan might eventually reunify. However, I believe this amendment is unfair to China.

For example, because of Chinese objections, the Dalai Lama was not allowed to participate in the summit. China’s harsh control of Tibet, like its hoped-for acquisition of Taiwan, is seen by Beijing as nobody else’s business. When such issues are raised, the Chinese are understandably angry.

For some, this is the fruits of a Clinton policy that has failed. For others, it is merely a well-intentioned effort to move towards a peaceful resolution of the Taiwan question. Whichever view one may hold, the fact remains that the U.S. administration is committed to supporting the peaceful resolution of the Taiwan question.

It is in the interest of both the U.S. and China to work towards a resolution that is acceptable to all parties. The Senate should support these efforts and work towards a resolution that is acceptable to all parties.

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(From the Wall Street Journal, September 12, 2000)
Taiwan underscores the 51-year split between to engage in separatism. He ac-
separate customs territory of China," Sun clear position: Taiwan can join WTO as a
claim to Taiwan written into the terms for Taiwan's membership to WTO.

Taiwan applied to join the General Agreement on Tariffs and Trade in 1990 as "the
customs territory of China," thereby avoiding the questions of sovereignty and statehood.

Taiwan into complex trade negotiations, Beijing promised to negotiate Chinese and Taiwanese bids, GATT members acknowledge China's sovereignty claim to Tai-
and out of deference said Taiwan could only join after Beijing.

Sun, the Foreign Ministry spokesman, in-
istered that the 1992 agreement recognized Taiwan as a separate customs territory of China.

Mr. KYL. In conclusion, as I said in the beginning, I think this is good news for the Senate, for the House, for the administration, for the people of Taiwan and for those who believe both in permanent normal trade relations with China, as well as the entry into WTO of both China and Taiwan; cer-
tainly Taiwan entering in terms that are appropriate as a trading partner of the United States, as a separate cus-
toms territory and not as a province of China.

This is good news. I hope it portends an early conclusion to the discussions that will permit the basis for accession by both China and Taiwan into WTO. I appreciate the cooperation, as I said, of my colleagues here as well as the rep-
resentatives of the President and the Senator himself.

Mr. ROTH. Will the Senator yield?
Mr. KYL. I yield.

Mr. ROTH. Mr. President, I congrat-
ulate the Senator for the leadership role he has played on this important mat-
ter. I think all of us feel very strongly that Taiwan should and should become a member of WTO. Under no cir-
cumstances should this imply a change in its trading status. Taiwan is our eighth largest trading partner—isn't that correct? It would be ironic if her status did not change. She is qualified. I think all the work has been completed for her to become a member.

I want to tell my colleagues how much I appreciate the leadership he has provided.

Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.
Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so or-
dered.

Mr. MOYNIHAN. Mr. President, just 2 days ago, the Washington Times car-
ried a fine article by our former col-
league, Rudy Boschwitz, and Robert Paarlberg, who is a professor of polit-
ical science at Wellesley College, enti-
tled "China Trade Boosts Farmers," sub-
titled, "Senate should back PNTR.

Farm state legislators should be particu-
larly sensitive to the fact that China's join-
ing the WTO will be a preemptive strike benefiting American farmers. Mem-
bership in the WTO will preclude China from later raising trade barriers on agricultural products. It is a very thoughtful, factual, and persuasive article. The Senate is ser-
endipitous visit to this Chamber by our former colleague, I ask unanimous con-
sent that it be printed in the RECORD.

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

[From the Washington Times, Sept. 11, 2000]

China Trade Boosts Farmers

Senate Should Back PNTR

(By Rudy Boschwitz and Robert Paarlberg)

Executive branch officials routinely exag-
gerate the expected payoffs from new trade agreements to win support for trade agreements in Congress. The recent U.S.-China agreement setting terms for China's protocol for accession to the World Trade Organiza-
tion (WTO) has been particularly noteworthy. Yet in the area of agriculture, the gains from this new agreement are actually greater than U.S. officials have so far dated to claim.

Currently, farm allies should be particu-
larly sensitive to the fact that Chi-
na's joining the WTO will be a preemptive strike benefiting American farmers. Mem-
bership in the WTO will preclude China from later raising trade barriers on agricultural products. Every other nation has raised such barriers as it has become a member.

Furthermore, on joining the WTO, China would undoubtedly find reason to curtail in-
ternal subsidies. Such subsidies would surely further increase China's agricultural produc-
tion. China has already found such subsidiza-
tion too costly to be and cause grain surpluses that are both hard to store and cope with.

The official claim, from the U.S. Depart-
ment of Agriculture, is that China's partici-
pation in the WTO will produce an annual gain of $1.6 billion in new U.S. exports of grains, oilseeds and cotton. It will also lead to $350-$450 million annually in ad-
ditional U.S. exports of other products such as poultry, pork, beef, citrus, other fruits and vegetables, and food products.

This optimism is well-founded, since under the agreement China has agreed to allow im-
ports of a minimum of 7.5 million tons of wheat virtually duty-free (only a nominal 1 percent tariff), and this quantity will in-
crease to 9.3 million tons over five years. These tonnages represent 11 to 15 percent of the wheat crop in the United States. For soy-
bean and soybean meal imports, China's cur-
tent tariffs will be lowered to 3 percent and 12 percent respectively, and the soybean oil China will receive its current tariff from 13 percent to 9 percent—and in-
crease the quota of imports allowed under this reduced tariff from 1.7 to 3.2 million tons over the six years of the agreement.

Those numbers also represent a meaningful percentage of our production. For corn, China has agreed to allow imports of 4.5 mil-
lion tons (at just a 1 percent tariff) increasing to 7.2 million tons. It also promises to allow soybean meal imports of 1.7 million tons, or up to 40 percent of the total U.S. export market.

These market-opening gains are impressive measured against the standard of China's

September 13, 2000
current farm trade policies. Yet they are even more impressive if measured against China’s likely future farm trade posture, absent any WTO disciplines. The new agreement would set a new, potentially higher, standard of future farm trade liberalizations that China might have been expected to undertake anyway. Instead, it operates pre-emptively against what might otherwise have been a damaging increase in Chinese farm sector protection.

The tendency of all nations as they industrialize is to increase policy protection in the agriculture sector.

Earlier in the 20th century, industrial development has also helped bring differing degrees of farm sector protection to most of Europe and to the United States. Continued rapid industrial development in China might thus have been expected, before long, to trigger an increase in China’s farm trade protection from the current level. It is fortunate that China will now come into the WTO and bind its protection levels for agriculture before this natural, post-industrial tendency to extend lavish protection to relatively inefficient farmers has expressed itself.

This is good for U.S. agricultural exporters, but the Chinese know it is good for them as well, which is why they are doing it. The Chinese do not want to be stuck several decades from now struggling, like the Japanese and the Europeans, to escape a cumbersome system of subsidies to inefficient farmers. China’s agricultural policies, which are not yet heavily protectionist, have nonetheless already begun to generate periodic surpluses of corn, wheat, and rice, and officials have learned these surpluses are expensive to store at home and costly to export under government-sponsored farm policy disciplines. It is accepting in WTO as an incentive to avoid moving toward costly farm subsidy policies in the years ahead.

All that remains is for the U.S. Senate to approve Permanent Normal Trade Relations (PNTR) for China, so that U.S. farmers will be able to share in the gains from this new trade liberalizing agreement. Without a PNTR policy in the United States, the expanded agricultural trade benefits from China’s accession to the WTO are likely to be captured more by farmers in Canada or Australia, and less by the United States.

With the U.S. farm sector currently struggling to get fair prices for our crops, which in part by sluggish exports to East Asia, the China option is not one to be missed. Farm state legislators in Congress need to see that when the time comes to vote on PNTR status for China.

Mr. MOYNIHAN. Mr. President, seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOMENICI. Parliamentary inquiry. Is it appropriate for the Senator from New Mexico to speak at this point?

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, this bill before us is a decisive step toward normalizing trade relations with China. Chairman ROTH has characterized this vote, the one we will make on this bill, as the most significant vote we will take this Congress. I agree.

While we will be concerned with many more issues that seem more important to individual Senators, and certainly we will be looking after our parochial interests in our sovereign States as we work as Senators—and that is all very important—but when I call to mind what China stands for in the world as it is evolving and developing, the final vote on this measure is probably the most significant vote we will take this year and maybe in many years.

Mr. DOMENICI. Mr. President, I agree wholeheartedly. I am quite sure the tenor of Senator MOYNIHAN’s suggestions—I have not been privileged to hear them here with the Senate—would agree with that. This is a very important issue.

This is the one vote that will be heard around the world. This is the one which recognizes that countries must play by the same rules in a globalized market if the market is to be efficient and function properly.

We have seen what is happening to the world—globalization. International trade, as part of globalization, must be efficient and effective.

This is the one vote that will do a great deal to encourage democracy for one in five people living on this Earth. I say encourage democracy because I truly believe this is the one vote that invites China to be our trading partner and, at the same time, determines whether American farmers, service industries will get the benefit of trade and of an agreement pursued and negotiated by three different American Presidents.

They cannot all be wrong. As a matter of fact, they were all right. China is joining the WTO and has implemented a lot of reforms in order to be eligible. Furthermore, it has made promises to do certain other things. So that the U.S. can benefit from this new WTO members’ market, Congress needs to vote to continue trade relations with China. It just took us a long time to understand and to work our way to this day when granting China permanent trade relations is finally before us.

On the subject of PNTR for China, Chairman Greenspan said:

History has demonstrated that implicit in any removal of power from central planners and broadening of market mechanisms is a more general spread of rights of individuals. Such a development will be a far stronger vehicle to foster other individual rights than any other alternative of which I am aware.

That is precisely what globalization and international trade—China trading with America—have a chance to do. Exposure to democracy and capitalism, information, and telecommunications and communication technology will increasingly influence the course of global affairs, without any question.

Imagine what Internet success means to a one-party, authoritarian state such as China. Even if China’s economic growth and military modernization appear to be threatening, our relationship with China will evolve within the context of a very different world, a world increasingly reliant on information and technical change. It is this that China trading with America is all about.

Anyone who has gone to China recently or, for that matter, watched recent television programming regarding the China phenomenon on with tomorrow’s leader force in China will know that Chinese men and women will move to get good jobs. They are already moving from the countryside to the cities without any retribution. They are smiling. They are taking risks because they see the opportunity to get a good paycheck. Make no bones about it, they want jobs that pay them money so they can move up their standard of living in this world.

That force, if turned loose in China, will change China forever. In particular, since China does not have the kind of central government the Soviet Union had, although we have from time to time called them both Communist countries, they are certainly very different in terms of the ability to control people and whether or not the central government really has as much control or is as despotic as the government that was managed by a small oligarchy in the Soviet Union.

I am not suggesting the trade, the Internet and computers will topple authoritarian structures in China overnight. It will take years and years and years. Information control was equivalent to people control, but information control is quickly becoming more and more impossible.

Exposure to our economic system through trade, telecommunications, and the Internet will encourage strides toward freedom, in my humble opinion. For every argument that China is a risk to America’s future, I argue that China trading with America is a move in a direction of freedom that takes away from the risk of the future, takes away from the risk of a centralized powerful Chinese Government being dangerous to the world. Not that they are not, but that they could not be, but I submit it will be more and more difficult for that to occur as free trade permeates the cities and suburbs of China and the people who live there and the businessmen who will prosper by it.

I wonder that while it is not at issue, education is another catalyst for economic freedom and democracy. Chinese students attending American universities is an important part of any effective economic trade and foreign policy for the United States. I know there are a lot of young Chinese coming to American universities to be students here, and living our way of life while they get educated. I asked my staff to find out just how many. Fifty thousand Pagination from China now. Taiwan—attended American universities last year. The number grows by the thousands every year.
The important thing is that these students are not studying math and science and culture by remote control. They are doing this by being physically present in American cities across this land. I submit, the more the young people of China experience America and are exposed to the American values of democracy and free market economies not be controlled or dominated by the so-called party. Over the long run, experience and exposure will have a direct and significant impact on mainland China. And the leaders know what is happening.

The Chinese leaders do not attempt to stop their students from coming to the great universities in the world and get educated in the best way in the world. In fact, sometimes I think they must be aware that there is a better way than what they have in their country, and to some extent they may think that way, but the road we are walking capitalism work in America, the more likely it becomes that the future of China will be subtly but unalterably influenced in a positive direction.

Whether these Western-educated, young Chinese are involved in politics or business—I would add in science or math or physics—their views about democracy and the free market economics will not be controlled or dominated by the so-called party.

China is a big, big market. It has been estimated that the PNTR would increase U.S. exports to China by about $13 billion annually and will grow every sector of this economy. Mexico is substantially the free way, the American way.

In cellular phones, digital cameras, personal computers. The flash memory chips are sent to Shanghai for assembly and testing before they are shipped to customers worldwide. In 2000, Intel earned over $500 million in revenue from the flash memory chips manufactured in New Mexico and tested in China. Both China and New Mexico added profit to the product as it moved its way to market.

China is discovering the necessity for cellular phones. I am talking about a product with which we are all becoming very familiar. There were 40 million cellular phones in China last year. This year, the estimate is 70 million. By some estimates, China will project to have 200 million, and New Mexico added profit to the product as it moved its way to market. I do not know which will have more. I would assume they would have a few more workers doing theirs, but we will have the master plant with the most modern technology.

The challenge to America in an international global market is the risk that we are taking, and it is singular. It is one. It is that we will not be able to produce the high-tech, high-paying jobs ahead of the rest of the world and keep them here. That is really the only challenge. If we can do that, and train our people sufficiently to do that, we will win all the time because we will keep the high-paid, highly skilled jobs here, as we are currently doing vis-a-vis a country such as China or other countries in the world.

So granting PNTR to China makes practical economic policy, and it
makes good foreign policy. I think they are tied together in this case.

I have had an opportunity to talk to Henry Kissinger, who I happen to know quite well from a long, long time ago, when he came to my State with his young wife who had grown up and is involved in the movie production business. He was 13 when he joined his father in my city doing an event for me when I was a young Senator. He talked about the global policy significance, not just its economic significance. I agree with him that there is no doubt that this is good trade policy and good foreign policy.

Grant PNTR is practical economic policy, but it is also inescapable economic policy because it is impossible, in this era of globalization, for the United States to fence off 20 percent of the world’s population and refuse to trade with them on the same trade terms we trade with others. Trade relations with China are not the same as they were in 1979 when China and the United States first resumed diplomatic relations. At that time, all trade flowed through the Chinese Government in the form of state-owned enterprises. Today the private sector accounts for nearly 70 percent of China’s output. Maybe I would put it differently because some of these centers of trade, we don’t know whether they are private sector, as we understand them, but the nongovernment sector, owned by the Government, is nearly 70 percent of China’s output. Maybe I would put it differently because some of those centers of trade, we don’t know whether they are private sector, as we understand them, but the nongovernment sector, owned by the Government, is nearly 70 percent of China’s output. I would put it differently because some of these centers of trade, we don’t know whether they are private sector, as we understand them, but the nongovernment sector, owned by the Government, is nearly 70 percent of China’s output.

We understand the Government is not too happy with owning even the 30 percent because they really don’t know how to run it. They are seeing what is happening in the competitive world, and big policy discussions are occurring there as to what do they do about that situation. They have observed and have learned what happened to state-owned enterprises in the former Soviet states, and they went from total ownership to nobody wanting ownership. There was nothing in between. We have the former Soviet Union, at least Russia, with an economic production mechanism that has been replaced to almost nothing. We will soon be comparing the total gross domestic product of Russia with one of the smaller countries in Europe. Imagine that.

Mr. MOYNIHAN. Will my distinguished friend yield for a question?

Mr. DOMENICI. I am pleased.

Mr. MOYNIHAN. Would he know that the current best estimate is that the GDP of Russia is now approximately what it was in 1979 when China and its Government owned 70 percent of China’s output. Maybe I would put it differently because some of these centers of trade, we don’t know whether they are private sector, as we understand them, but the nongovernment sector, owned by the Government, is nearly 70 percent of China’s output. Maybe I would put it differently because some of these centers of trade, we don’t know whether they are private sector, as we understand them, but the nongovernment sector, owned by the Government, is nearly 70 percent of China’s output.

Mr. MOYNIHAN. Would he know that the current best estimate is that the GDP of Russia is now approximately that of Switzerland?

Mr. DOMENICI. I wouldn’t.

Mr. MOYNIHAN. And that sequence, exactly as he has described it, total ownership to no ownership, as against the transformation before our eyes, is taking place in Russia.

Mr. DOMENICI. That is absolutely correct. I might add that what is happening in Russia, the Chinese have seen very clearly. They are never going to let that happen. We went from Government ownership to no ownership to oligarchs who substituted here in the middle who became powerful, rich people who put these businesses together; bought them from the Government. Now a few groups own more businesses than anybody expected in Russia and do not run it in any way consistent with Russia’s future. It is just their own. Whether they pay taxes or not is their business. That is the way things go. It is not so good.

Mr. MOYNIHAN. Let me note that this trend that is occurring in China. I think it is excellent. It is a great sign because a growing market-based economy is the most effective path to democracy for China and should be encouraged as part of the American policy with other free nations in the world.

There have been a lot of amendments offered to this bill. I owe the Senators who offered them, individually or for themselves and others, an explanation for why I voted yes and why I voted no on each and every one. Some of them are very good. Some of them, if freestanding and not burdening a measure of this magnitude, I probably would have come down and even debated. I did not. I did not come down and debate on them because I was not going to vote for any. It appeared to me that my responsibility as a Senator was to see that this legislation got through here, at least as much as I could. That meant don’t add amendments to it that are apt to make it impossible to get it passed and sent to the President for signature.

I consider this to be the most important event of this year and maybe of a couple of years. While it does not come out of my committee, I have been informed on it. I worked on it. I am very proud of the Finance Committee and in particular the chairman, the distinguished Senator from Delaware, Mr. ROTH, and obviously, the ranking member of the distinguished Senator from New York.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, before our beloved chairman of the Budget Committee, the Senator from New Mexico, leaves, may I thank him for his remarks. All anyone need say is what he has said. I would just supplement them with one comment to reinforce what he has said. We, the Finance Committee, held a long series of hearings on the bill. It happens, in the last paragraph of the last witness, the Honorable Ira Shapiro, who has been previously our chief negotiator for Japan and Canada at the Office of the U.S. Trade Representative, said thus:

This vote is one of an historic handful of congressional votes since the end of World War II. Nothing that Members of Congress do this year or any other year could be more important.

He was not simply speaking of trade and the standard of living. He was talking about the large geopolitical fact of do we include one-fifth of mankind in the world’s system we wish to create, we have created, and are creating, or do we say, no, you are out, and invite hostility that could spoil the next half century? We say not. Today we voted by a two-thirds majority to go forward. I thank the Senator for his vote and his leadership throughout. It is a cheering experience in what has not been always a cheering year.

Mr. DOMENICI. Will the Senator yield?

Mr. MOYNIHAN. Mr. President, I yield.

Mr. DOMENICI. Mr. President, I thank Senator MOYNIHAN for those kinds words and for his last observation. Perhaps Mr. Shapiro said it more eloquently than I. I consider it one of the many things they can compete and I described that early on as I see it. I would add one observation. I ask the Senator if he shares this. Frankly, I think it is very important, when China is granted PNTR, when it becomes a member of the World Trade Organization, that they not leave with the American people in the next few years, that they not let activity on their part happen which would let Americans think that they are discriminating against the purchase of American goods and services. If they are competitive in this world, whether it be in services or in products or in agricultural products, we don’t expect China to control that through its Government but rather leave it to the free and open market or, indeed, Americans will look at this as a sham.

Mr. MOYNIHAN. Yes, sir.

Mr. DOMENICI. Our companies are telling us they can compete. I know of many areas they can compete, and they are not competing because of trade barriers, because of tariffs, and because of the selectivity of some of the governmental entities in terms of who they pick and choose. That part is the most risky on their end. It may be a small amount of product, but it could be a very big wave if they are not careful.

Mr. MOYNIHAN. Mr. President, if I might respond, there is an extraordinary symmetry to what we are doing today. Toward the end of the Second World War, when China was our ally, we gathered at Bretton Woods in New Hampshire and drew up the plans for what became the International Monetary Fund, and an International Trade Organization to establish common rules for trade that would be abided by, a rule of law that could be adjudicated and settled. China was a full participant at the Bretton Woods Conference. China joined the General Agreement on Tariffs and Trade after the International Trade Organization, sir, was defeated in the Senate Finance Committee.

We have not after the Chinese Red Army overran their mainland. But now the People’s Republic has asked to come back and join the revived International Trade Organization, now the
World Trade Organization, which has rules that are to be abided by, and non-discrimination is the first rule. That is why this measure is so important because we could not be in the WTO with China if we had a provision that normal trade relations status once a year. No, but each of us must abide by the rules. It is now up to the vigilance of our Department of Commerce, the Trade Representative, American business, and labor unions to see it that the rules are abided by. You can’t hope for more.

Let us go forward in confidence and determination, as the Senator described. I thank the Senator.

Mr. MOYNIHAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I know my colleague from Wisconsin has been here before me. I have been asked by the majority leader to make a unanimous consent request. As soon as I make it, I hope the Chair will recognize my colleague from Wisconsin.

Mr. President, I ask unanimous consent that there be 30 minutes equally divided for debate relative to the Feingold amendment regarding a commission, with no second-degree amendments in order prior to the vote.

I further ask consent that following that debate, Senator WELLSTONE be recognized in order to resume debate on amendment No. 4120.

I further ask consent that following the use or yielding of that debate time, the Senate proceed to a series of roll-call votes in relation to the following amendments, with 2 minutes for closing remarks prior to each vote. Those amendments are as follows: Helms amendment No. 4128; Helms amendment No. 4123; a Feingold amendment regarding a commission; Wellstone amendment No. 4120.

Mr. MOYNIHAN. Mr. President, I might have understood there are to be 2 minutes of debate between each of the specified votes.

Mr. ALLARD. Yes, 2 minutes for closing remarks prior to each vote. So I assume it is understood, on each side. I understand this has been agreed to by the leadership on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

AMENDMENT NO. 4138

Mr. FEINGOLD. Mr. President, I send an amendment numbered 4138.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

AMENDMENT NO. 4138

Mr. FEINGOLD. Mr. President, I send an amendment numbered 4138.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. FEINGOLD) proposes an amendment numbered 4138.
rather than simply permitting such recommendations. As the debate on this bill has shown, we do not lack for reports of gross human rights violations in China. But simply stating the facts is not enough; our actions must reflect an acknowledgment of those facts. Tens of millions of people residing in and of themselves do not serve U.S. interests. Policy recommendations have to be an explicit part of the commission’s mandate.

In that regard, this amendment would require that legislative proposals contained in the report be considered by both the House International Relations Committee and by the Senate Foreign Relations Committee. As it now stands, this commission reports only to the House. I urge my colleagues in this body, the Senate, to recognize that the Senate needs to consider this report and its recommendations as well. We cannot leave this important work solely to our House colleagues and, in effect, do nothing. We must protect the Senate’s prerogatives and ensure that both Chambers of this Congress engage with this important commission.

Finally, this amendment lays out a procedure by which this commission’s recommendations could be considered by this body rather than simply gathering dust and assuaging consciences on our office shelves. It would establish a procedure, one that is not unfamiliar or unwelcome, whereby commission recommendations, in the form of a resolution, would be considered by the appropriate committees. These committees would then hold hearings to review these recommendations, allowing for public comment and opening up this process to democratic participation and actual debate.

Critically, after committee consideration, any Member of the House or Senate would have the right to call up the amendment on the floor. This amendment ensures that the crucially important issues covered by the commission can be considered by any Member, not only the members of certain committees. As it now stands, only members of the House International Relations Committee would have the power to consider and weigh the commission report. That seems very odd to me for a bicameral legislature. This amendment provides a mechanism for moving the substance of commission recommendations into the realm of full congressional consideration.

This is hardly an extreme proposition. My amendment would give this commission greater relevance, rather than relegating it to bureaucratic limbo. Relevance seems like an eminently reasonable goal for a body charged with the critically important work of reconciling U.S. support for human rights with the U.S. trade policy.

Those toiling in forced labor camps are relevant. This body ought to be as relevant as they are. The Tibetan and Chinese people, fighting every day for religious freedom, are relevant. Victims of torture are relevant. The Congressional Executive Commission on the People’s Republic of China is where these people will now have to find their place in U.S. policy. This is a very important piece of legislation; I urge my colleagues to take this seriously and give it the strength it needs to be meaningful.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, the Republican floor manager has indicated I could use his time to talk about this important piece of legislation. I don’t have any remarks I am going to direct specifically to the amendment; although, I find myself in the same position as the Senator from New Mexico, Mr. DOMENICI, in that there are many amendments that, under different circumstances, I may very well have to support. But because I think this is such an important piece of legislation, I have decided to oppose any amendments that will be made to this bill because I think it will put it in jeopardy, and the chances of it passing the House, from what I understand, not good if we put Senate amendments on this side.

I think we will have an opportunity in the future to address some of the amendments that were attempted to be made today. Under those circumstances, as I mentioned earlier, I will probably support them.

I think this is a very important piece of legislation for this country. It is a very important piece of legislation as far as the State of Colorado is concerned. The State of Colorado has experienced tremendous growth in exports, and I attribute that to the type of industry we have in the State of Colorado. And those are light manufacturing, which includes high-technology. Those are areas where we have had a lot of growth in exports nationwide. Colorado has been the beneficiary of that.

I have come to the belief that we need to work to open trade barriers. When we open these trade barriers, democracy is exported and we prosper economically. Colorado would be one State in the Nation that would be a good example of that. Western civilization has been trading in some manner with China since the Roman Empire anchored one end of the Silk Road. But it will not be until we pass this bill before us that our culture will have access to free and open trade with this massive country called China.

I am glad most of us have recognized that the term “most favored nation” was a misnomer. This country needs to remember that China will not actually be favored unless China will be equally treated as we treat the other 137 World Trade Organization countries such as Cyprus, Jamaica, and Djibouti, or the newest WTO member nation, Albania. We are not singling China out for special treatment, nor are we ushering them into the community of nations. The World Trade Organization exists separate from our decision.

I want to say this: That if the United States does not pass permanent normal trading relations, it does not keep China out of the WTO. It just keeps America from benefiting from China’s presence in it.

China has 1.3 billion people, a purchasing power of $4.42 trillion, and a yearly import market of $140 billion. Nearly 20 percent of the world lives within its borders—a fifth of the world. And many of the Chinese people are just beginning to desire Western products such as those made in Colorado—luxury goods, communication gear, computers, software, western beef, wheat, and so much more. The rest of the world is scrambling ferociously to pass their own version of PNTR to capture China’s market. All that will happen in the United States will be denied the loosening of tariffs and import controls that the rest of the world nations will gain.

If Congress balks at PNTR this year, 137 nations other than the United States will benefit from free trade with China while American workers, farmers, ranchers, and small businesses are denied equal access.

Everyone knows we trade with China now. Colorado exported $166 million worth of goods to China in 1998. Colorado Springs alone, one of our larger metropolitan areas, exported $41 million. Denver, another of our larger metropolitan areas, exported $36 million. Large companies and Colorado workers are only going to grow. If we grant China PNTR, Colorado will be assured a more prosperous future. Why? Because with PNTR-WTO membership, China will have to lower their average tariffs on U.S. goods from 24 percent to 9 percent. They will have to cut average agricultural tariffs in half and eliminate all tariffs on high-tech goods. But Colorado and the United States will not have to undergo similar market restructuring. The United States already trade in open markets and engages in free trade.

It is China that will have to open their markets and end their protectionism to benefit from WTO membership. This will then facilitate more trade and higher profits for the Colorado companies and Colorado workers.

Why is China doing this? Because they know what we do. Free trade benefits those who practice it.

Many export producing jobs pay better than basic service sector jobs. Increasing trade generates more jobs of a higher quality, and that presents more opportunities for workers.
For instance, since NAFTA, Colorado has increased exports to Mexico by $300 million. China PNTR will add to this export total.

If we were to set aside economic reasons, there are still many other reasons to favor PNTR. The first is humanitarian.

History has shown that it is the isolated, closed societies that are the most brutal and repressed. International contact—such as would be brought about by increased trade with businessmen, foreign goods, exchange of corporate presence and marketing—would serve to increase access to a higher standard of living and a better quality of life.

We would be able to upgrade the everyday lifestyle of the ordinary people of China, and that is not an opportunity to be ignored by those who seek to aid the world’s less fortunate.

The number one export from America is democracy. PNTR will not only tear down the trade barriers for Colorado’s workers, farmers, and small businesses, it will also flood the Chinese culture with the American ideals of liberty and democracy.

When the freedom protesters took over Tiananmen Square in 1989 and built a replica of the Statue of Liberty, they were not just expressing support for the type of freedoms enshrined in our political documents.

They were expressing a desire for the liberty and benefits of a modern, vibrant, and free United States that they saw on the current world stage.

By increasing our relations with China, we can side step the everyday lifestyle of the ordinary people of China, and that is not an opportunity to be ignored by those who seek to aid the world’s less fortunate.

The Soviet Union did not fall because we passed resolutions against them. It did not fall because we had bitter debates about their human right records, and it did not fall because we regularly reviewed their civil liberties.

It fell for two reasons that remain relevant today: The Soviet Union fell because the oppressed people of Eastern Europe grew tired of being left behind by the western prosperity they saw, and because their leaders realized that President Reagan would not let them take that prosperity by force. Unable to keep up with their western neighbors, they fell behind and eventually fell apart.

We need to remain aware of and secure against China’s sometimes blatant hostility to us and our ideals. But we have less to fear from a China that shares an engaged, mutually beneficial relationship than from an excluded China shut out of our markets.

Taiwan, the nation most under the gun from an aggressive China, supports China’s PNTR/WTO membership for this very reason. It suggests that they too hope that increased trade will overwhelm the communist system and force it to grow and develop into a more mature, efficient, and equitable system.

Some oppose trade agreements because of security concerns. Trade agreements are not the reason for the loss of our nation’s military secrets.

We have business larges in the Department of State, Department of Defense, Department of Energy, and our national laboratories. The responsibility of protecting our national secrets lies with the Administration, not our trade policies.

The State Department of Energy security blunder, losing two hard drives, coupled with the discovery of bugging devices in State Department conference rooms and the mishandling of classified information by the recently dismissed Director of the Central Intelligence Agency, builds a very strong case for this administration’s blatant disregard for protecting our national security secrets.

However, these wrongs pale in comparison to Energy’s decision to ignore the public law enacted by Congress last year to establish a semi-autonomous National Nuclear Security Agency to correct known security deficiencies within his department.

Fortunately, the recent Los Alamos incident expedited what had become a stalled effort to confirm General John Gordon as Director of the newly formed NNSA. With General Gordon in place, I sincerely believe we will finally get some action to hasten security reform within this agency.

But these acts, all pre-PNTR, highlight a simple truth—weapons proliferation, national security, and defense are functions of a nation’s leaders, not its merchants.

If we want a strong, pro-active national defense that diligently maintains our vital interests, we can not expect to let trade agreements alone shoulder this burden.

It is my hope that the upcoming vote will confirm America’s commitment to free trade, international participation, and mutually beneficial capitalism.

That is why I will be voting in favor of China PNTR and against any amendments.

I yield the remainder of my time.

Mr. ROTH. Mr. President, I rise in opposition to the Feingold amendment. This amendment would change the mandate of the Levin-Bereuter Commission created by H.R. 4444 by mandating that it make recommendations on non-trade issues as well as trade issues. Such recommendations would have to be introduced in each body, be referred to the Foreign Relations Committee and the International Relations Committee, and be considered by these committees and the Congress under rules similar to “fast track” legislation.

I oppose this amendment for many reasons. As a jurisdictional matter, I oppose a change in the rules of the Senate that would refer a revenue measure to a committee other than the Finance Committee, as this amendment would do if the Commission recommended a change in the trade status of China, and I urge all Finance Committee members to support me.

Second, I see no need to compel a recommendation out of the Commission. As outlined in the mandate of the Commission, if they choose, they may make a recommendation to the Congress on legislative action. Compelling the Commission to do so strikes me as misguided.

Third, I see no need to fast track a recommendation by the Commission. The Congress can consider any recommendation by the Commission under the regular order, just as we are considering PNTR.

Finally, as I have outlined with every amendment, I believe the adoption of this amendment would unnecessarily risk slowing the underlying bill down. Therefore, I view a vote for this amendment as a vote to kill PNTR.

Mr. FEINGOLD. Mr. President, I will briefly respond to the comments of the distinguished chairman.

Yes, this amendment, in terms of the commission that was established in the bill, says there ought to be some recommendations coming out of this commission, there ought to be some reality. This is all we will have left of the opportunity to consider issues such as human rights in connection with China’s trade status.

Instead of just having a series of documents or volumes on a shelf gathering dust, we suggest there ought to at least be a requirement that there be recommendations coming forward. That seems to me to be very modest. This is not something that would in any way undercut the legislation or the purpose of the legislation. It would simply make sure that the work of the commission results in some recommendations coming out of the bill.

What strikes me as even more strange about opposition to this amendment is that the distinguished chairman would leave this commission to this committee to consider a commission that reports to the House of Representatives. He would prefer that a commission that apparently is a serious commission, one that the chairman will support, as...
Mr. President, this amendment would delay the effective date of PNTR until the President can certify that China has provided a full accounting of activists who have been detained or imprisoned for their labor activities and China is making "substantial progress" in releasing these activists from prison.

What are we really talking about here is that this amendment calls upon the President to delay the effective date of PNTR until we get from China an accounting of those citizens who have now been imprisoned in China because they have tried to exert their human rights to organize and bargain collectively so they can make a decent wage, so they can work under civilized working conditions, so they can support their families.

What we are talking about is we want to see some evidence that China has made substantial progress in releasing those activists from prison. We do not have an exhaustive list of all the labor activists who are now serving prison terms in China. There are many of them about whom the facts are unknown. That is one of the reasons this amendment requires the U.S. Government to provide a full accounting. But I will draw from what empirical evidence I have as a Senator, a Senator who is concerned about human rights and the right of people to be able to organize their own independent unions. I will draw from two sources of information. The first is the U.S. State Department Human Rights Report which actually confirms that the Chinese Government has been persecuting and incarcerating labor activists.

According to the State Department: Independent trade unions are illegal. . . . Following the signing of the International Covenant on Economic, Social, and Cultural Rights by the Chinese Government, labor activists petitioned the Government [Chinese Government] to establish free trade unions as allowed under the Covenant. The Government has not approved the establishment of any independent unions to date.

Now I will talk about some specific examples. First, I will draw from the State Department report—our State Department report of this past year. Two activists in January were sentenced to reeducation through labor for 18 months and 12 months, respectively. Why were they arrested? They were leading steelworkers in a protest because they had not been paid wages. In January another activist, the founder of the short-lived Association to Protect the Rights and Interests of Laid-Off Workers, unsuccessfully appealed a 10-year prison sentence he received in 1993. Why was he sentenced to 10 years in prison? He had been convicted—for what? "Illegally providing intelligence to a foreign organization." What was that foreign organization? It was a Radio Free Asia reporter, and he was talking about worker protests in Hunan Province—a 10-year sentence, prison sentence, for a man who had the courage to try to organize people and who then went to human rights organizations overseas with information about worker protests in China. He is now serving 10 years in prison.

Don't you believe we could at least ask China to provide us with some credible information that they were now letting these people out of prison; that they were doing something about all of the people who have been imprisoned?

This list is compiled by the ILO—Senator MOYNIHAN talked about the ILO yesterday on the floor of the Senate. A 28-year-old worker in a Hunan Province electrical machinery factory, was sentenced in 1989 to a life sentence for organizing. He has not been told he is being served in prison and he now has been told he will get out in the year 2007.

A manual worker in Shanghai and a member of the Workers Autonomous Federation was sentenced in 1993 to 9 years in Shanghai prison for organizing a counterrevolutionary group. That from the ILO—my evidence.

A worker, organizer of another Workers Autonomous Federation was sentenced to 13 years imprisonment—for hooliganism again. That is the charge any time you demonstrate, any time you try to organize people, any time you have the courage to stand alone and speak up for democracy.

Another worker in Hunan, again, Yueyang City in Hunan, organizer of the Workers Autonomous Federation, was sentenced to 15 years—same charge, hooliganism.

A 39-year-old lecturer in the Comparative Literature Department at the Language Institute in Beijing was sentenced in 1995 to 20 years in Prison No. 10 for organizing a counterrevolutionary group, and for committing counterrevolutionary propaganda and incitement.
A 30-year-old medical researcher in the Department of Psychiatry at Beijing’s Anding Hospital was sentenced to 17 years in Prison No. 2 in Beijing for organizing and leading a counterrevolutionary group.

A 30-year-old worker at a chemicals accelerator fluid plant in Beijing was sentenced to 13 years in Prison No. 2 for organizing and leading a counterrevolutionary group.

Another activist was sentenced to 11 years in prison for organizing and leading a counterrevolutionary group.

Colleagues, I have other names and other examples. But I think there are several reasons why we should be concerned about the persecution and imprisonment of labor activists in China.

First of all, labor rights, the right to organize, recognized by international law, are a fundamental human right. When men and women have the courage to stand up for justice at the workplace, they ought not to be locked up. They ought not be treated like animals, they ought not be serving 10-, 12-, 14-year prison sentences in China, and we should speak up for them.

Labor rights have been recognized in the documents that enshrine the most basic principles of human rights. The Universal Declaration of Human Rights in 1948 states, “Everyone has the right to peaceful assembly and association.” Everyone has the right to form and join trade unions for the protection of his—and I would add “or her”—“interests.”

In a speech before the Industrial Relations Research Association in Boston this past January, former World Bank chief economist Joseph Stiglitz laid out an argument that economic development needs to be seen as part of a transformation of society and that workers organizations, the right to form unions, is key to this developmental process.

Do my colleagues know what he was saying? He was saying what we know: Independent unions and the right to form an independent union means you make the rules. It means you have people who have enough money to consume; it means you are building a middle class; it means you have more economic justice; it means you have more stability. That is what Mr. Stiglitz was trying to say.

I will give my colleagues one more example of this brutality. An April 23, 2000, story in the Washington Post reported:

The number of labor disputes in China has skyrocketed—to more than 120,000 in 1999—as workers, in unprecedented numbers get laid off, are paid late, or not at all and feel cheated by corrupt officials who sell state enterprises for a short-term return to friends, relatives, and colleagues.

We are talking about unsafe working conditions. We are talking about low wages. We are talking about the fundamental right of workers in China to organize and the compelling need, I believe, for us to support this right.

I will finish in a moment so we can have some votes, although I am anxious to hear whether there is any response. Above and beyond the human rights question, above and beyond the fact that we should not be silent—I have said this for the last several days—above and beyond the fact that we should vote for the rights of people to organize and try to break up for them and vote for the rights of people to organize independent unions in China, we should not let this Government with impunity put people in prison for 12, 14, or 16 years because they have done nothing more than try to speak up for themselves and form a union so they can make a decent wage and they can support their families.

There is another reason. Senator SARBANES spoke about this on the floor of the Senate the other day. It is this: What are we going to see is not necessarily more exports to China but more investment in China. If we do not speak up for the right of workers to organize in China, China will become the export platform for an international economy that we talk about, and it will be a magnet for any kind of company that wants to go there that knows it can freely exploit workers, pay workers 3 cents an hour, 10 cents an hour, 6 cents an hour, 20 cents an hour. Not athing right now, working people from 8 in the morning until 10 at night with a half an hour, at most, for a break. That is what we are going to see.

I do not know how many Senators will consider this before they vote, but if you do not want to vote for this amendment for human rights for workers in China, vote for this amendment for the people you represent in your own States because I am telling you—and this is just the future I am predicting—that our failure to adopt these amendments, our failure to focus on human rights, our failure to vote on human rights, our failure to vote on religious freedom, our failure to vote on the right to organize and bargain collectively is going to lead to a new international economy where China, with the size of the country and the population, will become a magnet, it will become a low-wage export platform, and the people in your States are going to say to you: Where were you when you were asked to vote for us? Now you are saying to us, Senator, that you want us to compete against people who get paid as little as 3 cents an hour. We ought not to lose our jobs as companies are leaving our States to go to China, and you had a chance to vote for the right for people to organize in China so they could make a decent wage and those workers would not be played off against us, and you didn’t vote for it?

My colleagues should vote for this amendment because a vote for this amendment is not only a vote for human rights in China, not only a vote for the right of people to organize in China, but, most important of all, what this amendment is really about is simply saying to the President, before going forward with normal trade relations with China, at least—and I want to read this again—at the very minimum, the President needs to certify China has provided a full accounting of these activists who are detained or imprisoned for their labor activities.

That is all the amendment asks, and China can show it is making substantial progress in releasing these activists from prison. That is what this amendment is about.

In a broader sense, this amendment is also about the right of people to organize and bargain collectively, and this is an amendment that says why should the people we represent in our States be put in a situation where they lose their jobs and where our communities lose businesses that go to China because they know they can pay miserably low wages, where people wind up in prison if they should dare get a better job, where they can actually export products made with prison labor, and we are not voting for that. We are voting for the right of people we represent in our States some comfort that they themselves are not going to lose their jobs because of these absolutely brutal working conditions.

There is too much to vote for an amendment that asks for only one little piece of this. We will delay the effective date of PNTR until the President can certify that the Chinese Government has provided a full accounting of those who have been detained or imprisoned for doing nothing more than trying to organize or trying to stand up for themselves and their families, and some accounting that this Government is releasing these innocent men and women from prison who have done nothing more than protest deplorable working conditions or tried to form an independent union. That is what this amendment is about.

I conclude this way, which is the way this debate started. We are forever being told that we live in a global economy, and that is true. For some reason, too many of my colleagues do not want to recognize the implications of this. For me, if we are now working and living in a global economy, that means if we are truly concerned about human rights, we can no longer just concern ourselves with human rights at home.

If we are truly concerned about religious freedom, we must only concern ourselves with religious freedom at home. If we are truly concerned about labor rights, we must only concern ourselves with labor rights at home.

I will say it one final time: The men and women in this world, who have been engaged in human rights issues, have long understood an essential, basic truth which is this: Americans,
Senators can never be indifferent to the desperate circumstances of exploited and abused people in the far reaches of the globe. When the most basic human rights and basic freedoms of others are infringed or endangered, we are diminished by our failure to speak up. 

This amendment is a test case of whether or not we are willing to speak out. I say to my colleagues, since this is my last amendment, I believe we have made a big mistake—we will see what history shows us—in the rush to pass this piece of legislation. I think we have made a mistake because I believe the consequences, over the next 2, 3, 4, 5, 6, 7, 8, 9, 10 years will be very harsh.

I believe the economics in this global economy we are all talking about will become a major axis of American politics. I believe the people that we represent are going to want to know where each of us stood. I believe we should have been part of the effort to make sure this new global economy—with China being such a major actor—would be an economy not only working for big multinational corporations and big financial institutions, which I know are very interested in passing this, but it also would be a global economy that works for working people, a global economy that works for human rights, a global economy that works for children, a global economy that works for the environment.

I will say—and I am sorry because none of us can be sure we are right; and I understand that—I have not, in the course of this debate, seen very many Senators come out and present any empirical evidence to the contrary of what I have had to say about these basic rights of people. Why is it that we just turn our gaze away from this? I do not understand it.

I also think we have made a mistake in another way. I say to the President pro tempore, I think we have made a mistake in the stampede to pass this legislation, in this rush to passage, in this argument that we dare not even pass an amendment. Even if it deals with the right of people to practice their religion, even if it puts the U.S. Senate and our country and our Government on the side of human rights, we cannot do that because then it would go to conference committee. I do not understand that argument, not when you think about what the stake is not but when you think about this in personal terms.

Whatever happened to the voice of the Senate? Whatever happened to the strong clarion call for the Government of China, and all governments in the world, to respect the human rights of their citizens? Whatever happened to our justice voice? Whatever happened to our human rights voice? Why were these concerns trumped by this headlong stampede and rush to pass this legislation?

I conclude my remarks this way: We will see what happens in the future.

I thank my colleagues for their graciousness. I hope Senators will vote for this amendment.

I yield the floor.

(Disturbance in the galleries.)

THE PRESIDENT PRO TEMPORE. The galleries are advised not to show any type of approval or disapproval.

Mr. ROTH. Mr. President, I rise in opposition to my colleague’s amendment. I do not intend to address the merits of his proposal as a matter of U.S. labor law. Rather, my point is a far simpler one.

The current business of this body is a bill to normalize our trade relationship with China. This amendment simply does not belong on H.R. 4444 and has nothing to do with China’s trade status under our law.

But, the price of adopting the amendment could be very high for every working man and woman in the United States. The reason is that the amendment could result in delay or defeat of PNTR and the grant of PNTR is the one step we absolutely must take to ensure that American workers, together with American farmers and American businesses reap the benefits of China’s market access commitments under the WTO.

What we would be sacrificing is, according to independent economic analyses, $3 billion in additional U.S. export sales annually. Expanding our export sales, as has been reiterated a number of times already in this debate, creates new jobs. And I point out, jobs in U.S. export sectors pay 15 percent more than average.

What that means in practical terms is that the passage of PNTR and the exports we expect to expand under the WTO agreement with the Chinese provide real, tangible benefits to workers in America.

I ask, as a consequence, that my colleagues join me in opposing the proposed amendment.

I ask the Senator from Minnesota, are you ready to ask a question of time?

Mr. WELLSTONE. I have a very quick response to my colleague.

Mr. President, I ask unanimous consent that an article in the Washington Post, dated January 11, 2000, entitled “No Workers’ Paradise” be printed in the RECORD.

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

[From the Washington Post, Jan. 11, 2000]

No Workers’ Paradise

(By John Pomfret)

SHENZHEN, China—Fei Mingli, a slight teenager from Sichuan province, came to this bustling Chinese factory town in 1998 to escape the Communist Party, although in recent years it has fought quietly against some policies and laws that are clearly antilabor.

But China and other developing countries have opposed such standards. In the first nine months of last year, 3,464 miners died in China—but the same as 1998—one of the worst rates per ton of minerals mined in the world. The only place international labor standards were increased for industrial accidents is Shenzhen.

In 1998, 12,189 workers were seriously injured and 80 died in industrial accidents in its 9,582 factories, although the real number is believed to be much higher.

More than 90 percent of those injured lost a limb. Statistics from the state hospital in Shenzhen’s Bao’an county tell a gruesome tale. In the hospital’s Building 7, 47 patients have lost hands; in Building 6, 21 patients have third-degree burns; in Building 5, 42 patients have lost legs.

After a ferry sank in November, killing 280 people, China’s Communist Party leadership called for a nationwide workplace safety inspection campaign aimed at ensuring workplace safety.

“Since 1980, labor standards in China have gotten worse,” said Anita Chan, a senior research fellow of the Australian Research Council and an expert on China’s labor issues.

In the state’s effort to ensure workplace safety in the state’s factories, 14 people have been killed, 54 have been injured and 900,000 workers have been checked.

For instance, it has found toxic work conditions in the state’s factories, with 14 people killed, 54 injured and 900,000 workers checked.

When her father came to Shenzhen asking for compensation, the factory bosses added insult to her injuries by firing the girl and paying only medical expenses.

A case could have spread to hundreds of thousands of others like hers in China, where workers’ rights are routinely sacrificed at the altar of economic development. But Fei walked a path to a man who has become famous for standing up for workers in a country with one of the worst occupational safety records in the world.

Lawyer Zhou Litai took the case, and late last year, after proving that the factory did not have a dog permit and that there had been six similar attacks since 1994, he won Fei a $6,000 settlement—a big chunk of change in a country where millions of laborers barely clear $1,000 a year.

“Lawyer Zhou is a good man,” said Fei Zhongming, Mingli’s father. “Without him, we would have had nothing. He won justice for us.”

China once advertised itself as a socialist workers’ paradise. But in its mad rush to become a modern industrialized nation in the 20th century, since opening its doors to the West, China’s cutthroat system has victimized average laborers. With China preparing to enter the World Trade Organization, the United States and other advanced nations have pushed for some type of binding international labor standards; this was one of the issues behind demonstrations during 9/11’s meeting in November.

But China and other developing countries have opposed such standards.

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The factory had failed to buy insurance, so Guangzhong lost his right arm last spring.

A gerous machine is a mold for plastic prod-

Japanese or American company, he said, be-

orean companies, which work on a contract

out paying him for room and board.

Shenzhen. Since then, 70 injured workers,

were killed by a delivery truck. The factory

home town, in a poor county close to the

democratic China that a court had ordered a fac-

$40,000—marking the first time in Com-

sued the Happy Toy Factory and won

''affecting the investment environment,''

local governments had warned them against

Shenzhen would take such cases because

As an outsider, Zhou could run a risk. He

labor conditions in China. This amend-

ized in our country.

This is about China. This is about

Zhou's experience in Shenzhen, meeting

''Since 1980, labor standards in China have gotten worse,'' said Anita Chan, a senior re-

search fellow of the Australian Research Council and an expert on China's labor is-

I could go on and on.

I say to my colleague from Delaware, there are three parts to his argument that trouble me. First of all, this amendment has everything in the world to do on in China. This is not an amendment about labor law reform in the United States. That is an amendment I will bring to the floor at the very beginning of the next Congress. We will have a full de-

about the right of people to organ-

This is about China. This is about labor conditions in China. This amend-

ment is about people who have been imprisoned because they have done nothing more than to speak out and protest against working conditions or trying to form a union.

This amendment just says, before the President goes forward, let's certify that China is willing to let these people out of prison, and that we are going to get some certification of some progress in that area. That is all this amend-

The second thing I would say to my colleague from Delaware—we have had some of this discussion before—is that even if I believed he was right—and I think he is wrong—that actually we are going to see more exports that will lead to higher wages for American citi-

I do not believe people in the United States of America would be

comfortable with the proposition that is being made on the floor of the Sen-

ate, at least by some, that since there is profit to be made, and more money to be made, more workers will do better in our country—which I will question in a moment—we should, therefore, turn a blind eye, turn our gaze away from these deplorable condi-

tions; that we should not be concerned about the persecution of people who are trying to practice their religion; that we should not be concerned about human rights; that we should not be concerned about people who are impriso-

nenced because they are trying to form a labor union. I do not believe most peo-

ple in Minnesota or people in the country believe that.

Most people in Minnesota and the country believe these issues should be

of concern to the U.S. Senators. We, after all, are representing people in our Nation. I think it is a very sad day when the United States of America ref-

uses to speak out for human rights in any country.

I know this will be a debate that will go on. What will happen is, given the fact that we have Wal-Marts paying about 13 cents an hour—and I have given examples of companies paying far less—China is going to become the export platform where people know that if they should dare to try to orga-

ize a union, they are going to be thrown in prison. So all these multi-

national corporations have carte blanche approval to go to China, pay hardly anything in wages, have people working under deplorable working con-

ditions, and we are going to lose jobs.

We are not going to see a lot more exports. We will see a lot more invest-

ment. What better place to invest for some of the multinational corporations than a country where you don't have to worry about paying good wages, you know you don't have to worry about safe working conditions because, if people dare to protest or challenge this for the sake of them-

selves or their families, they wind up in prison. I see a very different eco-

nomic future.

I yield back the remainder of my time.

Mr. ROTH. Mr. President, I yield back the remainder of my time.

Mr. WELLSTONE. I will read a couple of paragraphs from the article. This was written by John Pomfret:

China once advertised itself as a socialist workers' paradise. But in its mad rush to be-

come a modern industrial nation in the 20 years since economic reforms opened doors to the West, China's cutthroat system has victimized average laborers.

Then it goes on to say:

''Since 1989, labor standards in China have gotten worse.''

Shenzhen. Since May 1996, a husband and wife, both workers

in a factory in Shenzhen, were walking on the factory grounds when they were killed by a delivery truck. The factory denied responsibility for their deaths, leaving

the couple's three young children and their aging parents penniless.

The couple's children were living in Sichuan—source for most of the cheap labor that has driven the economic miracle along China's eastern coast. They came to Shenzhen as a last resort. No lawyer in Shenzhen would take such cases because local governments had warned them against

''affecting the investment environment,''

Zhou said.

As an outsider, Zhou could run a risk. He

happy Toy Factory in Shenzhen, were

sued the Happy Toy Factory and won

''If you don't protect your workers, it

would be a disaster for the U.S. econ-

omy but also land him in serious debt. In

five years in some of the harshest conditions

Some of the multinational corporations

Mr. ROTH. Mr. President, I ask unan-

The legislative clerk called the roll.

Mr. REID. I announce that the Sen-

ator from Hawaii (Mr. AKAKA), the Sen-

ator from Massachusetts (Mr. KEN-

NEDY), and the Senator from Connect-

Mr. NICKLES. I announce that the Sen-

ator from Washington (Mr. GORTON) is

necessarily absent.

Mr. REID. I announce that the Sen-

ator from Virginia (Mr. GLADIS), the Sen-

ator from Pennsylvania (Mr. BAYH), and the Senator from Maryland (Mr. CAMPBELL) are

necessarily absent.

The PRESIDING OFFICER. The question is on agreeing to the Helms amendment No. 4128.

Mr. ROTH. Has all time been yielded back on that?

The PRESIDING OFFICER. All time has expired on the amendment. There are 2 minutes prior to the vote.

Mr. ROTH. Mr. President, I ask unanimous consent to yield back the 2 minutes on both sides.

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

The yeas and nays have been ordered.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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Mr. LIEBERMAN) are

necessarily absent.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

(Rollcall Vote No. 243 Leg.)

YEA—43

Abraham  Boxer  Burns

Ashcroft  Breaux  Byrd

Bayh  Burris  Campbell
Mr. BAUCUS. Might I inquire of the Chair whether they are 15-minute votes or 10-minute votes?

The PRESIDING OFFICER. They are 10-minute votes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time on the Helms amendment?

Mr. ROTH. Mr. President, the Senator yields his and I yield mine. I yield the 2 minutes.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 4123.

The yeas and nays have been ordered. The clerk will call the roll. The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 23, nays 73, as follows:

[Vote listing in tabular format]

Mr. BAUCUS. Might I inquire of the Chair whether they are 15-minute votes or 10-minute votes?

The PRESIDING OFFICER. They are 10-minute votes.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time on the Helms amendment?

Mr. ROTH. Mr. President, the Senator yields his and I yield mine. I yield the 2 minutes.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 4123.

The yeas and nays have been ordered. The clerk will call the roll. The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 23, nays 73, as follows:

[Vote listing in tabular format]
Mr. ROTH. Mr. President, I oppose the Feingold amendment. Congress would, in effect, once again be asked to vote on China every year regarding the commission's recommendations on a fast-track basis. I believe adoption of this amendment would unnecessarily risk the underlying bill. I urge my colleagues to vote against it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4138. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?—

The result was announced—yeas 18, nays 78, as follows: [Rollcall Vote No. 246 Leg.]

YEAS—18

Byrd
Collins
DeWine
Feingold
Harkin
Helms

NAYS—78

Abraham
Allard
Ashcroft
Baucus
Bayh
Baucus
Bingaman
Bond
Breaux
Brownback
Bryan
Burns
Buxton
Chafee, L.
Chesler
Cleland
Collins
Cochran
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Durbin
Edwards

NOT VOTING—4

Akaka
Gorton

The amendment (No. 4120) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, with the consent of my friend from Delaware, the manager of this bill, I ask unanimous consent, upon disposition of H.R. 4444, the Senate proceed to the consideration of Calendar No. 152, H.R. 1239, the Social Security lockbox bill, and that it be considered under the following time limitation: 2 hours for debate on the bill equally divided between the managers; that Senator CONRAD have a Social Security-Medicare lockbox amendment; that Senator GRAHAM of Florida have a Medicare prescription drug amendment; that other relevant first-degree amendments be in order; and that relevant second-degree amendments be in order.

Mr. CRAIG. I object.

The PRESIDING OFFICER. An objection is heard.

The distinguished Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I ask consent that time on all remaining first-degree amendments be limited to no more than 1 hour, to be equally divided in the usual form, and that no second-degree amendments be in order prior to the vote, and limited to the ones described below. I further ask consent that following these amendments in the allotted time, if the bill be advanced to third reading and passage occur, all without any intervening action or debate. I also ask that