

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

NUANCE MATTERS, GETTING TAIWAN POLICY RIGHT

Mr. BIDEN. Mr. President, as we were reminded yesterday, words matter in diplomacy. Wednesday morning, the President of the United States appeared on national television in an interview taped Tuesday night with Charles Gibson of ABC News. In that interview, the President was asked if the United States had an obligation to defend Taiwan if it was attacked by China.

President Bush replied, "Yes, we do, and the Chinese must understand that. Yes, I would."

The interviewer pressed further, asking, "With the full force of the American military?"

President Bush replied, "Whatever it took to help Taiwan defend itself." He did not elaborate at that time.

A few hours later, the President appeared to back off this startling new commitment, stressing in an interview on CNN that the United States would continue to abide by the Taiwan Relations Act and the One China policy followed by each of the past five Presidential Administrations.

I want to make clear that I believe the security of Taiwan to be a vital interest of the United States.

Senator HELMS and I are among a handful of current members of the U.S. Senate who were around to vote for the Taiwan Relations Act when it was introduced 22 years ago.

And I remain as committed today as I was then to the peaceful resolution of the Taiwan question.

And because of my strong support for Taiwan, I was inclined to believe that the President had made an honest, and mostly harmless, mistake yesterday, especially when the State Department issued a clarification stressing that U.S. policy remained unchanged. State Department spokesman Phil Reeker said, "Our policy hasn't changed today, it didn't change yesterday, and it didn't change last year, it hasn't changed in terms of what we have followed since 1979 with the passage of the Taiwan Relations Act."

But by the end of the day, senior national security officials at the White House were singing a different tune, insisting that the President meant what he said in the morning interview.

The President's National Security Adviser claimed that, "the Taiwan Relations act makes very clear that the U.S. has an obligation that Taiwan's peaceful way of life is not upset by force." And a White House Aide said, "Nothing in the act precludes the President from saying that the U.S.

would do whatever it took to help Taiwan defend herself."

As my colleagues may know, the Taiwan Relations Act obligates the United States to provide Taiwan "with such defense articles and defense services . . . as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

It also states that any attempt to determine the future of Taiwan by other than peaceful means would constitute a "threat to the peace and security of the Western Pacific area" and would be, "of grave concern to the United States."

Finally, it mandates that in the event of, "any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom, the President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger."

Contrary to the President's statement to Charles Gibson, the United States is not obligated to defend Taiwan, "With the full force of the American military," and hasn't been since we abrogated the 1954 Mutual Defense Treaty signed by President Eisenhower and ratified by the United States Senate.

And contrary to the White House spokesman's comments, the President does not have the authority unilaterally to commit U.S. forces to the defense of Taiwan. Under the Constitution, as well as the provisions of the Taiwan Relations Act, that is a matter which the President must bring to the American people and to the Congress of the United States.

During the campaign, President Bush implicitly criticized the policy of "strategic ambiguity" which has governed the use of American forces to defend Taiwan in the event of a conflict with China for more than 20 years since the United States abrogated the 1954 Mutual Defense Treaty with Taiwan and normalized diplomatic relations with China.

The point of that policy, which I support, was to retain the right to use force to defend Taiwan, while reserving to the United States all the decision-making authority about the circumstances in which we might, or might not, commit U.S. forces.

Otherwise, the United States might find itself dragged into a conflict between China and Taiwan even in the event of a unilateral Taiwanese declaration of independence, something the President said yesterday he would not support.

This policy of strategic ambiguity was consistent with our One China policy and also with our desire that the Taiwan question be resolved only through peaceful means.

Well, today I guess we have a new policy, and I am calling it the policy of "ambiguous strategic ambiguity."

What worries me is not just what the President said, but the utter disregard

for the role of Congress and the vital interest of our key Pacific Allies, specifically Japan.

Perhaps the President is unaware that without using U.S. bases in Japan, we would be hard-pressed to make good on his commitment to use U.S. forces to defend Taiwan in the event of a conflict with China.

Perhaps he is unaware of how sensitive an issue this is for the Japanese government, which has taken great pains to avoid explicitly extending the U.S.-Japan Security Alliance to a Taiwan contingency.

I was quick to praise the President's deft handling of the dispute with China over the fate of the downed U.S. surveillance aircraft.

But in this case, as in his rocky summit meeting with South Korean President Kim Daejung, the President has damaged U.S. credibility with our allies and sown confusion throughout the Pacific Rim.

Words matter. Nuance matters.

Other events, the challenge of engaging North Korea, the emergence of a reformist prime minister in Japan, and the threat of political instability in Indonesia, will surely test America's resolve and diplomatic agility in the Pacific during the months ahead.

WORLD INTELLECTUAL PROPERTY DAY

Mr. HATCH. Mr. President, it is with great pleasure that I rise today to pay tribute to the first celebration of "World Intellectual Property Day."

Last fall, the World Intellectual Property Organization dedicated April 26th as "World Intellectual Property Day" with the objective of highlighting the valuable contributions intellectual property makes to economic, cultural and social development and to raise public awareness of just what intellectual property is all about.

Intellectual property, which includes patents, trademarks and copyright protections, is hardly a household phrase, but its significance to all Americans should not be underestimated. Intellectual property is really about creativity and innovation; it is about ideas that start out as just a dream, but then go on to become the creations and products that enrich our daily lives and improve our standard of living.

Included among our Founding Fathers' many accomplishments were the express intellectual property protections of Article 1, Section 8 of our Constitution. This section is so seemingly simple, "to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries", but it has done more to shape our Nation's economic growth than almost any other provision in the Constitution.

Indeed, one of the most significant results of this constitutional provision was the creation of the U.S. patent system. Today, more than six million patents have been issued, for inventions