

SENATE—Monday, September 18, 2000

The Senate met at 12:01 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, Sovereign of our beloved Nation, this is a special day. Yesterday we celebrated Citizenship Day in America; this week is Constitution Week; and today is Prisoner-of-War, Missing-in-Action Day when we remember those who paid the supreme price of patriotism. All three of these emphases blend together as we praise You for our country which You have blessed so bountifully.

Forgive us, Lord, for taking for granted the privileges of being citizens of this land. We seldom think about our freedoms of worship, speech, assembly, and freedom to vote. Today, we praise You for our representative democracy. Thank You for the privilege of serving in Government. Help the Senators and all of us who labor with them and for them to work today with a renewed sense of awe and wonder that You have chosen them and us to be part of the political process to make this good Nation great.

May a renewed spirit of patriotism sweep across our land. Help the children to learn that an important aspect of love for You is loyalty to our country. We dedicate ourselves to right wrongs and to shape political programs that assure opportunity and justice for all Americans. So today, as we pledge allegiance to our flag, may our hearts express joy. This is our home, our native land.

Gracious Lord, as a Senate family, we grieve the death of Murray Zweben, retired Parliamentarian of the Senate. Be with his family; comfort and encourage them in this difficult time. Through our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. ROBERTS. I thank the Chair.

SCHEDULE

Mr. ROBERTS. Today, the Senate will be in a period of morning business until 2 p.m., with Senators GRAHAM and THOMAS in control of the time. Following morning business, the Senate will resume consideration of H.R. 4444, the China PNTR legislation. Under the order, there are 6 hours of final debate on the China trade bill with a vote scheduled to occur at 2:15 on Tuesday.

As a reminder, cloture was filed on the motion to proceed to S. 2045, the H-1B visa bill on Friday. That cloture vote has been scheduled to occur immediately following the vote on final passage of the China PNTR legislation. Therefore, the first votes of this week will be two back-to-back votes on Tuesday, at 2:15 p.m.

I thank my colleagues for their attention.

MEASURES PLACED ON CALENDAR

Mr. ROBERTS. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDENT pro tempore. The clerk will read the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 3057) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

A bill (S. 3058) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

Mr. ROBERTS. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDENT pro tempore. The bills will go to the calendar.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Iowa is recognized.

WEN HO LEE

Mr. GRASSLEY. Mr. President, I am here on the floor at this particular time to ask the President of the United States who "they" are, and I hope the

word "they" includes the President of the United States. I hope the President of the United States is the chief "they." I hope we don't get into a position of debating what the definition of the word "they" is. The Constitution is pretty clear—the President of the United States has all the executive power that exists in our Government.

That is the background for my visiting with you about the Wen Ho Lee case, the President's comments last week in regard to the release of Wen Ho Lee, and how the executive branch treated this Chinese American.

This is the latest instance of President Clinton failing to take responsibility and refusing to hold himself accountable for the actions of his administration.

The background of Wen Ho Lee—for those who may not have been following this over the last year—is that the Government has recently agreed to let this former nuclear scientist at Los Alamos Laboratories plead guilty to a relatively minor charge and go home with a slap on the wrist.

I think we all agree that his release is the justifiable thing to do. But it was only a short time ago that the executive branch was claiming that Wen Ho Lee was such a serious threat to American national security that he belonged in solitary confinement and in shackles with practically no ability for Mr. Lee to even contact his family. Now, after this long period of time in confinement, he gets a slap on the wrist and his freedom.

Obviously, the executive branch of Government couldn't back up its allegations with proof or this case would not have settled as it did. Despite the dire pronouncements made to the public about Wen Ho Lee, the fact is the Government didn't even have a case. It had only suspicions. Mr. Lee has, of course, paid a very high price for the suspicions of some in the executive branch.

Maybe because Lee is Asian American, there is not the outcry over the loss of civil liberties that there would be had Lee been a member of some other minority group. The same people who speak up against some minorities being mistreated because of civil liberties evidently don't seem inclined to speak up in the case of an Asian American.

Mr. Lee's treatment has caused widespread public outcry. How can this happen in America where we treasure freedom and where the rule of law has been the basis for our country's law going back to the setting up of the colonies? How could the government damage the

reputation of a citizen by labeling him as a spy for the Communist Chinese, lock him away for 9 months of solitary confinement, and then just simply drop the case? Our Government has damaged its reputation by the way it handled the Lee case.

The American people are outraged. Pundits and political observers have raised legitimate questions about the abusive way in which Mr. Lee was treated by the executive branch of Government.

In the midst of this justifiable criticism, President Clinton decided that it was time for him, as President of the United States, to chime in. President Clinton happens to be the Chief Executive Officer of the country. He thinks, like the rest of us, that the executive branch of Government may have abused its power in the way it went after Mr. Lee and kept him confined for such a long period of time.

What troubles me about President Clinton's comments is that he acts as if he, as President of the United States, is just some sideline observer who doesn't have anything to do with the way the laws in this country are enforced.

As every high school student learned in their civics classes, the executive power of the Government is vested in the President of the United States, article II, section I:

The executive power shall be vested in the President of the United States of America.

This is pretty simple language and pretty definitive. These words means the President is in charge of law enforcement. The President is in charge of protecting our national security.

So, even if the President delegated some of his power to the Attorney General, the President is responsible for what happened to Mr. Lee.

I hope the President can just once before he leaves office, and as part of his legacy, say he is responsible for what happened under his watch. I would like to have him say: I and the people I appointed are responsible for what happened to Mr. Lee.

But, no. He said in his news conference "they" did this—"they" held him; "they" had these charges. It was always "they," "they," "they." I happen to think President Clinton is the chief "they." He is above all the rest of the "theys."

It happens that President Clinton seems to think the Justice Department is some agency of government outside of his control. Surely the President knows better than this. The Washington Post certainly does. This past Saturday, the Post editorial page commented on the Wen Ho Lee case:

President Clinton asks us to see him as one more commentator troubled by the case, rather than as the head of the government that brought it.

In other words, I think the Washington Post is saying the President is,

in fact, the chief "they;" or he is in charge of all the rest of the "theys." Of course, as far as I am concerned, the Washington Post is right on this point.

The nation is waiting for real leadership, not another evasion or more misdirection. President Clinton may be an "artful dodger," but this is one dodge that just won't work. The American people elected President Clinton to be in that office so he could lead, not blame subordinates.

The Constitution is crystal clear that the President has the ultimate responsibility of leadership and the ultimate power of our executive branch. It is high time for President Clinton to follow the Constitution and take responsibility for the sorry actions that took place in regard to Mr. Wen Ho Lee during this administration.

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

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE AGENDA

Mr. THOMAS. Mr. President, I want to take a couple of minutes to talk a little bit about where we are, where we are going, and what we face this week and the few remaining weeks we have before us. There will be some more Senators to come over to the floor shortly to talk about some of the issues we have before us, particularly debt reduction, which we are committed to undertake this week, and I think is one of the most important things we can do. We will be talking, of course, about many of the things that are left to discuss.

We have done a number of things in this Congress, of course, and we have a number of things yet to do, particularly appropriations. Those appropriations need to be finished by the end of the fiscal year which is the end of September. So we have a very short time to handle these things. We have worked at it for a good long time. We seem to have had a repetition of obstructions to moving forward.

I hope we are now in a position to go ahead and fund those programs that have been authorized, that are out there for the American people, and that we do not find ourselves using this time to begin to insert into these bills all kinds of things that have already been discussed and that are intended more to create an issue than they are to find a solution.

There have been, of course, a number of very important things done this year; we need to recognize that. I guess people have different ideas about how

many things and what kinds of things. There is a great difference in the view of the direction this Government should take and what is the role of the Federal Government, whether the Government ought to tell us what to do or whether, in fact, the Government's role is to establish a framework in which we make our own decisions at the local level, as opposed to being dictated to by the Washington bureaucracy.

These are some of the big issues. We passed the marriage tax relief bill here in the Congress. That would have been largely a resolution to an issue of fairness, where two single persons, each earning X amount of dollars and paying X in taxes, when they get married, making the same dollars, pay a larger amount of taxes. Unfair? Of course. Unfortunately, that bill was vetoed by the President, so we will have to take it up at another time. I do not think it will be taken up this year. Obviously, the White House is determined they will not permit tax relief of this kind.

We passed the elimination of the death tax. That is very important. Some indicated it was only for the very wealthy. Of course that is not true. We have very many people in my State of Wyoming in the agriculture business, small businesses, families that have put together—sometimes over generations—a business. That business then has to be disposed of because they have to pay 52 percent taxes. That, of course, was also vetoed by the President.

We did get some tax relief. Very important was elimination of the Social Security earnings test, which eliminates the tax on earnings by seniors 65 to 69. Previous to that, seniors in that category lost a dollar in Social Security benefits for every \$3 earned. Again, I think it is largely a fairness proposition and we are pleased that did happen.

The digital signatures bill, of course, is very important as we move into a new era in the business activities of our Nation. The digital signatures bill makes it easy for people to have legal protection in contracts of that kind.

On national security, the Iran Non-proliferation Act was very important for free trade. It dealt with free trade in the sub Sahara, Africa, and the Caribbean. It is important those things continue to be done. I come from a State where agriculture is very important. Nearly 40 percent of our agricultural products are sold for export. We find ourselves dealing with unilateral sanctions, which often limit what we can sell to those people. Then they go somewhere else for it. We made some progress in that area, certainly. I hope we will make some more.

We have done a good deal of work on affordable education; education savings accounts. We made available \$500-\$2,000 in tax relief for education. We need to get that forwarded.