

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

The Senator is recognized.

PROVIDING PERMANENT NORMAL TRADE RELATIONS TO CHINA

Mr. BUNNING. Mr. President, last week I spoke on the floor about how strongly I feel against providing permanent normal trade relations to China. I touched on a number of subjects, including human rights, China's antagonism toward Taiwan, and the threat that it poses to our own national security.

Unfortunately, over the last 2 weeks I have watched these issues be swept under the rug as the Senate has given away its voice on our trade relations with the most populous nation on the globe.

But while I expect the Senate will pass this PNTR, I do not intend to go down without one final swing. It is too important for our Nation not to sum up why the opponents of PNTR believe it is such a dangerous mistake.

For the last decade, I have been a vocal opponent of providing most favored nation or normal trade relations to China. For me, it all boils down to putting profits over people. I think that is just plain wrong and un-American. But while we were never able to stop Congress from approving MFN, at least we had an open and public debate on the issue every year. But by passing PNTR, we will even lose this right.

For years we have been able to use the annual debate to discuss the wisdom of granting broad trade privileges to Communist China. When the students were massacred in Tiananmen Square, or when the Chinese military threatened democracy in Taiwan, or when the revelations came to light about China spreading weapons of mass destruction to terrorists, we had a chance in the House and in the Senate to shine the spotlight on Communist China.

By passing PNTR, that spotlight will grow dim and the stick we were once able to wield under the most-favored-nation-status law will now be replaced by a rubber stamp bearing the letters, "W-T-O."

My opponents on this issue talk as if the American economy will fail if we do not pass this bill, that it is so important we should sweep aside all of the concerns about China and all of the evidence of wrongdoing because we should not "rock the boat." That is ridiculous.

I say, on something as fundamental as our national security, we should not just say we have to go along to get along. If this is as important an issue as supporters of PNTR make it out to be—that it is one of the most monumental votes in years—then we should have done it right. Instead, we have seen the deliberate process short

circuited by blood oaths among Senators to oppose all amendments no matter how worthy. We have watched the supporters of PNTR move Heaven and Earth to avoid a conference with the House.

Remember, the Congress of the United States is supposed to be writing this bill, not the business community, not the U.S. Trade Representative, and especially not the Chinese.

The American people are listening. The cameras are rolling. The pressure is on to do what is right. But in this instance I think we have failed.

But before we hand over the keys of our economic engine, I think it is important that we take one last cold, hard look at who is exactly doing the driving. This is China's record.

China ships weapons of mass destruction to terrorist nations.

China operates one of the most oppressive regimes in the world, brutalizing and slaughtering its own people.

China threatens other free nations such as Taiwan and snubs its nose at the international community by occupying Tibet.

China tried to buy access to our Government through illegal campaign contributions and to influence our own elections.

There it is in black and white. But in the name of expediency and Presidential legacy, we are about to grant this nation full and open trade relations. I do not care how you spin it, that does not make any sense.

For over a decade, the supporters of free trade with China have been making the argument over and over again that China is changing, that things are getting better, and we will soon reap the benefits of free trade with China. All the facts prove them wrong.

It has been over 10 years since Tiananmen Square, and the Chinese are still slaughtering their own people. They are still selling weapons to terrorists. And they are still bullying other nations and threatening the United States. Nothing is any different with China now. In fact, it might be worse. Those who say otherwise are only fooling themselves.

While the annual debates on MFN or PNTR, or whatever you want to call it, might not have turned the tide in China, to now provide even less debate and scrutiny can only make things worse for the Chinese people.

I think the supporters are right about one thing. The final vote on this bill is going to be one of the most pivotal votes in years, one we will look back upon as a fateful moment in our history. I am afraid history is not going to be kind to Congress for passing this legislation, for abdicating our role in overseeing trade relations with China.

Mr. President, it is a sad day in Congress. I am sorry to say we are going to do the wrong thing at the wrong time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. KYL. Mr. President, first of all, I appreciate the Presiding Officer's statement with respect to PNTR. We will have a vote on that tomorrow. I share many of the Senator's sentiments with respect to the concerns of the American people about PNTR. My constituents, frankly, from the correspondence I have received, are overwhelmingly opposed to it.

I also share the concerns he expressed about some of the remaining problems we will continue to face with respect to China, not only continuing trade problems but also problems that relate to our national security. I would like to discuss some of these remaining concerns and how I have attempted to resolve those concerns which is why, at the end of the day, I am going to vote to support PNTR notwithstanding those concerns.

But I will continue to urge my colleagues that we be able to address both the continuing trade disputes that will not be resolved by China's accession into the WTO and also the national security concerns that will certainly continue to exist after China's accession into the WTO.

Mr. President, as the Senate's debate about whether to grant China permanent normal trade status comes to a close this week, and a lopsided vote in favor of granting such status is anticipated, it is imperative for the United States to continue to address numerous important issues in our country's relationship with China.

As I outlined last week, the concerns posed by China's aggressive military modernization, threats by its leaders to attack the United States or our ally Taiwan, and its irresponsible proliferation of weapons of mass destruction and ballistic missiles to rogue nations, must command attention and should not be forgotten after passage of this trade bill. I believe the Senate missed an opportunity to address some of these important concerns last week, when an amendment offered by Senator FRED THOMPSON to impose sanctions on organizations in China that engage in the proliferation of ballistic missiles and nuclear, biological, chemical weapons failed. It is also important to take steps to counter China's military moves that threaten the U.S., such as its targeting of nuclear-tipped missiles on American cities. Here too we missed an opportunity earlier this year, when

President Clinton decided to delay deployment of a national missile defense system.

With regard to Taiwan, I believe it is important that the United States support our long-standing, democratic ally. The communist regime in Beijing uses every available opportunity to undermine international support for Taiwan, and this extends to trade issues as well. Despite earlier promises to the United States that it would not block Taiwan's admission to the World Trade Organization, in recent weeks, China has nonetheless sought to do just that. I had originally intended to offer an amendment to the PNTR legislation that would have conditioned the extension of normal trade relations to China on Taiwan entry into the WTO, but agreed to withdraw the amendment after receiving assurances from President Clinton and U.S. Trade Representative Charlene Barshefsky that the U.S. would insist on this result.

I will have more to say about these national security concerns, but I would first point out that China's record on trade compliance must be closely monitored, and the United States must insist on action when China fails to comply with the very set of international trade rules it has agreed to adhere to through the WTO. The United States must also be diligent about efforts to pressure China into drastically changing its record on human rights, religious freedom, forced abortions and the harvesting of baby and adult human organs. It is unfortunate that the Senate did not pass a number of other amendments offered or debated last week that sought to deal with these issues.

Despite unacceptable behavior by the Chinese government on a range of issues, I intend to vote for PNTR for China, because of other benefits this step will bring. Trade with China has become an increasingly important issue for the United States, due to the expansive growth of its economy, and the desire of American firms to compete in the Chinese market. The United States and China has been negotiating a bilateral trade agreement for twelve years. With the passage of PNTR, and China's subsequent admittance to the WTO, this bilateral trade agreement will take effect.

China is the world's fifth largest trading market, and the United States could gain substantially from a lowering of Chinese tariffs on U.S. goods and services. Under the negotiated trade agreement, overall Chinese tariffs on American industrial goods will fall from 24.6 percent today to 9.4 percent by 2005—May 2000 report, "The U.S. Economy and China's Admission to the WTO, Joint Economic Committee. Arizona, in particular, should benefit. According to the U.S. Department of Commerce, Arizona exported \$243 million in goods and services to China in 1998, up from \$67 million in

1993. Of those exports, 58 percent were in electronics and electric equipment; under the trade agreement tariffs on this type of equipment will be reduced from 13 percent to 0 percent at the time of China's accession to the WTO. Over the next five years, tariffs will be significantly reduced on beef, cotton, fruits, and vegetables, all which represent potential export opportunities for Arizona. As tariffs are reduced in China and demand for U.S. goods and services increases there, significant numbers of jobs should be created in the United States, particularly in Arizona.

It is also possible, though perhaps not yet probable, that increased trade with the United States could also have a liberalizing effect on China itself, exposing its people to free ideas and making the regime improve its dismal human rights record. PNTR for China, and the subsequent U.S.-China trade agreement, may also increase chances for economic improvements in China. Dismantling state-operated enterprises in favor of private sector investment may produce better, higher-paying jobs for its Chinese citizens.

If the United States does not grant PNTR to China and make effective the U.S.-China trade agreement that will benefit U.S. workers and businesses, I am certain other countries will step in and take opportunities away from our U.S. manufacturing and service sectors.

As I outlined briefly in the opening of my statement, however, a number of issues will continue to plague the United States' relationship with China. Trade alone does not define our relationship with China, and as I have stated repeatedly, national security and human rights issues must continue to command the attention of the Administration and the elected representatives of the American people in Congress.

China poses a special challenge for America, not merely because of its growing economy and increasingly capable military, but because the path of its evolution remains unknown. We need to be realistic in our dealings with China and take steps to defend our security when warranted.

Although China has embraced some elements of a free-market economic system, the country is still led by a repressive communist regime that still tries to maintain tight control over its people and their exposure to Western ideas. The Chinese government has also been hostile to the United States in several areas, despite the efforts of the Clinton Administration to "engage" its leaders.

For example, China has targeted some of its long-range nuclear-tipped missiles on American cities and has threatened to use them if the U.S. came to the aid of Taiwan. As a commentary in the state-owned People's

Liberation Army Daily stated in February, "China is neither Iraq or Yugoslavia, but a very special country . . . it is a country that has certain abilities of launching a strategic counter-attack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country such as China, a point which U.S. policymakers know fairly well also." Another editorial published in March of this year in a different state-owned paper was even more blunt, warning that, "The United States will not sacrifice 200 million Americans for 20 million Taiwanese."

It is important that the United States takes steps to protect ourselves through the deployment of a national missile defense system. We need to deploy such a system as soon as the technology to do so is ready, and we should pursue sea- and space-based defenses that offer tremendous advantages when combined with the ground-based system currently under development.

We also need to send clear signals to China about our intentions behind the deployment of a national missile defense system and our commitment to our long-standing ally Taiwan. For example, I'm disappointed that the Senate did not pass the Taiwan Security Enhancement Act earlier this year. This bill would have increased training for Taiwan's military officers at U.S. military schools, permitted U.S.-flag officers to visit Taiwan, and established a secure communications link between the U.S. and Taiwan militaries. It was a modest piece of legislation that should have been passed to demonstrate our support for Taiwan.

Another area where the U.S. needs to stand by Taiwan is in supporting its admission to the WTO. I thought it was particularly important to address this specific issue during the Senate's consideration of the China PNTR bill in light of recent moves by China to block Taiwan's admission to the trade group.

Taiwan has been negotiating to become a member of the WTO since 1990 and has met the substantive criteria for membership. Furthermore, based on its importance to the world economy, Taiwan should be admitted to the WTO. It has the 19th largest economy and is the 14th largest trading nation in the world. Taiwan's economy is also closely linked to the U.S. It is America's 8th largest trading partner and purchases more American goods than many of our other major trading partners, like mainland China, Australia, and Italy.

On several occasions, Chinese officials had assured the United States that China would not block Taiwan's entry to the WTO as a separate entity. According to the Wall Street Journal, earlier this month, however, Chinese President Jiang Zemin told President Clinton and a business group in New York that Taiwan could only be admitted to the WTO as a province of China.

This statement by President Jiang was particularly concerning since it came on the heels of other troubling moves by China. On September 7, Chinese Foreign Ministry Spokesman Sun Yuxi said that China wanted its claim to sovereignty over Taiwan written into the terms of the WTO's rules, stating, "The Chinese side has a consistent and clear position: Taiwan can join WTO as a separate customs territory of China."

Furthermore, the Wall Street Journal reported in July that:

... as WTO staff members draw up the so-called protocol agreements—the realms of paper that define exactly what concessions China will make in order to gain entry into the organization—China is insisting that its claim over Taiwan be recognized in the legal language ... chief Chinese negotiator Long Yongtu said ... such a stand "is a matter of principle for us" ... That would upset a consensus within the WTO that Taiwan should be allowed to enter the club as a separate economic area—that is, not an independent country, but also not as an explicit part of China. Some WTO members have argued that Taiwan has long since fulfilled its requirements to join the club and its application has been held up only to satisfy China's demand that Taiwan shouldn't win entry to the organization first.

In order to help ensure that China lived up to its promises to the United States, and that Taiwan's entry to the WTO was not unnecessarily impeded, I filed an amendment to H.R. 4444, the bill we are currently debating. The text of H.R. 4444 stated that the extension of permanent normal trade relations to China "shall become effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization." My amendment would have added one additional condition, stating that permanent normal trade relations with China "shall become effective no earlier than the effective date of the accession of the People's Republic of China and Taiwan as separate customs territories to the World Trade Organization."

Late last week, I agreed not to offer this amendment because of the strong assurances I received from President Clinton and U.S. Trade Representative Barshefsky that the United States would insist on Taiwan's entry to the WTO as a separate entity. As the President said in a letter dated September 12:

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 [Chinese] President Jiang Zemin ... Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as "Chinese Taipei"). The United States will not accept any other outcome.

Based on this strong, written assurance from the President of the United States and others provided privately by Ambassador Barshefsky, I decided not to formally offer my amendment for a

vote. It is important that Congress and the Administration stand together in insisting that China live up to its promises and in showing support for Taiwan. In this instance, I am pleased we could work together toward that end.

Finally, I want to discuss an area where I believe the Senate missed an opportunity to address serious concerns about China's proliferation of ballistic missiles and weapons of mass destruction—our failure to adopt the Thompson amendment.

Over the past decade, China has been the world's worst proliferator of the technology used to develop and produce nuclear and chemical weapons and ballistic missiles, narrowly edging Russia and North Korea for this dubious distinction. Beijing has sold ballistic missile technology to Iran, North Korea, Syria, Libya, and Pakistan. It has sold nuclear technology to Iran and Pakistan. And it has aided Iran's chemical weapons program and sold that nation advanced cruise missiles.

Chinese assistance has been vital to the missile and weapons of mass destruction programs in these countries. And because of this assistance, the American people and our forces and friends abroad face a much greater threat.

Sadly, the efforts of the Clinton Administration to end Beijing's proliferation have not succeeded. Since taking office in 1993, the Administration has engaged in numerous discussions with senior Chinese officials concerning their failure to live up to international nonproliferation norms. But it has failed to impose sanctions on Chinese organizations and government entities, as required by several U.S. laws. Time and time again, the Clinton Administration has either refused to follow laws requiring sanctions or has done so in a way deliberately calculated to undermine the intent of the sanctions.

For example, the Administration has not imposed the required sanctions on China for the sale of M-11 missiles to Pakistan. Despite the unanimous judgment of our intelligence agencies that this sale has taken and incriminating evidence such as photographs of M-11 missile canisters in Pakistan and training exercises by Pakistani troops with the missile, the Administration has said the evidence was not strong enough for it to impose sanctions, since it can not be sure the missile transfer actually took place.

Another example of the Administration's failure to act concerns the transfer of anti-ship cruise missiles from China to Iran. I would remind my colleagues of one example of this danger; in 1987, a similar Exocet cruise missile killed 37 sailors on the U.S.S. *Stark*.

Iran's possession of this missile was first disclosed in January 1996 by Vice Admiral Scott Redd, then-commander of the U.S. Fifth Fleet. Admiral Redd

said the C-802 gave the Iranian military increased firepower and represented a new dimension to the threat faced by the U.S. Navy, stating, "It used to be we just had to worry about land-based cruise missiles. Now they have the potential to have that throughout the Gulf mounted on ships."

According to the Washington Times, in 1995, Defense Department officials recommended declaring that China had violated the Gore-McCain Iran-Iraq Arms Nonproliferation Act of 1992, which requires sanctions for the transfer to either country of "... destabilizing numbers and types and advanced conventional weapons ..." Yet State Department officials opposed involving sanctions to avoid damaging relations with China.

In his Senate testimony in 1997, Assistant Secretary of State Einhorn acknowledged the transaction, stating, "... the question of whether China transferred the C-802 anti-ship cruise missiles to Iran is not in doubt." He noted that, "Such missiles increase China's maritime advantage over other Gulf states, they put commercial shipping at risk, and they pose a new threat to U.S. forces operating in the region." But Mr. Einhorn maintained that the transfer was not "destabilizing" and thus did not meet the legal requirement for sanctions to be imposed.

In September 1997, Assistant Secretary of State for East Asian and Pacific Affairs Stanley Roth further explained the Administration's position, claiming the C-802 sale "... does not have to be destabilizing if you define it as overturning the ability of the United States to operate in the Persian Gulf. It hasn't done that." Mr. Roth added, "... the U.S. Navy tells us that despite the increased threat from the sale of cruise missiles, it can continue to operate and carry out its mission to the Persian Gulf. And so even though [the Navy] is exceedingly unhappy with this new development, it is not, on the face of it, destabilizing at the point."

Such thinking illustrates how the Clinton Administration has refused to implement nonproliferation laws. If the arrival of weapons which directly threaten the U.S. Navy is not "destabilizing," it is hard to imagine what the Administration might find sufficiently destabilizing for sanctions under the Gore-McCain Iran-Iraq Arms Nonproliferation Act.

The Senate has specifically addressed the issue of Chinese cruise missile sales. In June 1997, we passed an amendment offered by Senator BENNETT by a vote of 96 to 0, stating: "The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Nonproliferation Act of 1992. It is the sense of the Senate to urge the Clinton Administration to enforce the provisions

of the [Act] with respect to the acquisition by Iran of C-802 model cruise missiles." Despite this unanimous expression by the Senate of the need to enforce the law, the Administration has refused to take action in this case.

There are many more examples of Chinese proliferation and the Administration's failure to enforce current laws in this area that provide the rationale for the Thompson amendment. In the interest of time, I will not describe them all, but will simply make the point that the Thompson amendment would have helped to combat this deadly trade by making it clear to China that it would have faced economic penalties from the U.S. if it continued to proliferate.

Mr. President, I would just say in conclusion that trade with China is important, and I intend to vote for the PNTR bill. But I believe it is imperative that we not forget these important national security issues once the debate on PNTR is completed. The challenge before us is to deal with China in a way that protects America's national security, promotes free trade, demonstrates our support for our democratic ally Taiwan, and improves human rights in China. This is a tough job, but one that I am sure all Senators agree is too important to ignore.

JUDICIAL NOMINEES

Mr. KYL. Mr. President, I rise to discuss an important matter. As I begin, I am reminded of a statement my mother used to make. Actually, I recall my grandmother making this statement.

The statement is to "cut off your nose to spite your face." I have found out that actually that phrase can be traced back to the late 1700s, when our Constitution was created. It essentially means doing something senseless, frequently out of spite, and which frequently ends up hurting the actor. The idea is that you are not happy with your face so you are going to cut off your nose. We all understand that that doesn't exactly solve the problem and, in the end, creates a bigger problem than the one with which you started.

That phrase is applicable to something our friends of the minority are doing with respect to Federal judges. We have heard and have been subjected to a weekly dose of expressions of disappointment by members of the minority that the Senate has not confirmed more of President Clinton's judicial nominees. The chairman of the Judiciary Committee recently had to respond to that criticism because it had escalated to such a point that it demanded a response.

In fact, not only were members of the Judiciary Committee being critical of the Republican chairman and the Republican Senate for not confirming more judges, but the President and Members of the House of Representa-

tives chimed in with very, as Senator HATCH called it, "reckless and unfounded" accusations.

For example, one Democratic House Member was quoted as saying that the Senate:

... has made the judiciary an exclusive club that closes the door to women and minorities. ... Its determinations have been made on the basis of racism and sexism, plain and simple.

Other Democrats have argued that there is a judicial vacancy crisis and that "scores of vacancies continue to plague our Federal courts." That is a statement of a prominent member of the Senate Judiciary Committee.

In the face of comments such as this, Senator HATCH had to respond, and respond he did. He pointed out that the claims are false, both the claims of the inordinate number of judges being held, allegedly, and also the charge of racism.

The Senate considers judicial nominees on the basis of merit, regardless of race or gender. As Chairman HATCH pointed out, minority and female nominees are confirmed in nearly identical proportion to their white male counterparts. The Republican Senate is confirming nominees at a reasonable rate, about the same rate as has occurred in the past.

From statistics I have from the Judiciary Committee, there are currently 64 vacancies out of the 852-member Federal judiciary, which yields a vacancy rate of about 7.5 percent. A good comparison is the year 1994—by the way, at the end of a Democratically-controlled, the 103rd Congress—when there were 63 judicial vacancies, 1 less, yielding a vacancy rate of 7.4 percent. By comparison, at the end of the Bush administration, when Democrats controlled the Senate, the vacancy rate stood at 12 percent.

It is possible to find statistics to prove about anything, but the fact is, as the chairman of the committee pointed out, this Congress is confirming judges of the Clinton administration at about the same rate as past Congresses, and certainly the vacancy rate is not as bad as it had been at previous times.

The important point is that Democrats, members of the minority, who are critical of Republicans for not confirming the nominees, need to be careful of this charge because it is they who are now refusing to confirm President Clinton's nominees to the Federal district court. There are currently four nominees who are ready to be brought to the full Senate floor for confirmation. Indeed, all four of these nominees were presented to the minority for their approval. There is no objection on the Republican side.

The minority leader, speaking for Members of the Senate minority, objected to the Senate's consideration of confirmation of these four Clinton

nominees to the Federal district court, the only four candidates on whom the Senate can vote. None of the other nominees has gone through the committee and is therefore ready for us to act.

These are the four nominees currently on the Executive Calendar: Judge Susan Ritchie Bolton, Mary Murguia, James Teilborg, and Michael Reagan. The first three are nominees from Arizona. They were all nominated on July 21, 2000, by President Clinton. Michael Reagan of Illinois is the other nominee. He was nominated on May 12, 2000.

I chaired the hearing for these four nominees on July 25, 2000. They are all qualified nominees. I recommended them all to my colleagues on the Judiciary Committee for confirmation. Indeed, they were approved by the Judiciary Committee on July 27, 2000, and sent to the floor for consideration. They were supposed to be confirmed before the August recess. When an unrelated negotiation between Leader LOTT and Minority Leader DASCHLE broke down and reached an impasse, floor action on these nominees was postponed until this month, when we returned from the August recess. That is when the minority leader rejected the majority leader's request that these four be considered by the full Senate.

It doesn't matter to me whether they are confirmed by unanimous consent or by a vote, but in any event, these are the four on whom we can act. They ought to be acted on, and I believe all should be approved.

With respect to the three in Arizona in particular, I note that last year Congress created nine new Federal district court judgeships—four for Florida, three for Arizona, and two for Nevada. There was a very specific reason for this action. There is a huge caseload in these three States. The judges are falling further and further behind, primarily in the State of Arizona; I believe also in Florida. This is due to the number of criminal prosecutions for illegal drugs, alien smuggling, and related cases. All of the new judgeships for Nevada have been confirmed, and three of the four judgeships for Florida have been confirmed. None of the judgeships for Arizona has been confirmed.

It is important that these nominees of President Clinton be confirmed by the Senate. They are critical to handling the caseload in the State of Arizona.

Here is where the old phrase of my mother and grandmother comes into play: cutting off your nose to spite your face. Because some of the members of the minority party wish we could confirm even more judges, they are holding up the confirmation of these judges. There is nothing against the qualifications of any of the four. It