base realignment and closure for the Department of Defense, for the fiscal year ending 2001 and for other purposes.

Pending:

Daschle amendment No. 3148, to express the sense of the Senate with regard to the Million Mom March and gun safety legislation.

Lott amendment No. 3150, to express the sense of the Senate with regard to the second amendment of the U.S. Constitution, the enforcement of Federal firearms laws, and the juvenile crime conference.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 4 hours of debate equally divided between the two leaders or their designees for the purpose of debating the Daschle amendment No. 3148 and the Lott amendment No. 3150.

Under the previous order, the Senator from Pennsylvania, Mr. SPECTER, is recognized to speak for up to 30 minutes.

NORMAL TRADE RELATIONS FOR THE PEOPLE'S REPUBLIC OF CHINA

Mr. SPECTER. Mr. President, I thank the leader for entering the order giving me 30 minutes for a statement this morning. I have sought that time to speak on what I believe to be one of the most important issues which will be presented to the Congress this year; that is, the issue of permanent normal trade relations for the People's Republic of China.

The Senate is scheduled to take up this issue sometime next month, depending upon what the House of Representatives does. The House of Representatives is scheduled to consider this matter next week. I thought it appropriate to make this statement at this time, to give my views on important issues of weapons of mass destruction and nuclear proliferation, insights which I gained, in large part, from serving on the Senate Intelligence Committee for some 8 years, including 2 years as chairman during 1995 and 1996, and other insights on related matters which I have seen in my capacity as chairman of the Judiciary subcommittee on oversight of the Department of Justice.

My own record has been that of a strong free trader. I have supported NAFTA, the North American Free Trade Agreement. I have supported free trade with the Caribbean nations. I supported, last week, free trade with the African nations. I believe the long tugs and pulls of the economy, both domestic and international, strongly support the notion of free trade.

But I am opposed, strongly opposed to granting permanent normal trade relations to the People's Republic of China because of their record on nuclear proliferation, of weapons of mass destruction, because of their record on human rights, and because the executive branch, the administration, has not imposed sanctions as required by law to stop or inhibit such nuclear proliferation but, in fact, has taken affirmative action to grant waivers. So it is necessary for Congress to exercise our constitutional responsibility of checks and balances and congressional oversight of the executive branch, to see to it the national interest is preserved.

The Congress has authority under the Constitution. There are some constitutional inhibitions which prohibit the Congress from delegating that authority to the executive branch. I am not necessarily saying that permanent trade with China would be such an unconstitutional delegation, but at the very minimum it is an unwise delegation, based on this state of the record, based on the necessity to impose restraints on conduct of the People's Republic of China, not only as to human rights—fundamental, important human rights—but of greater magnitude, the threat to international peace through their proliferation of weapons of mass destruction.

During my tenure on the Intelligence Committee I saw many instances of the People's Republic of China supplying rogue nations, nations which constitute a threat to world order, with weapons of mass destruction.

For example, the People's Republic of China provided M–11 missiles to Pakistan back in 1992. Those missiles, now armed with nuclear warheads, are pointed at India, creating a nuclear threat to the subcontinent, the possibility of a nuclear exchange between India and Pakistan, and threatening world peace.

The People's Republic of China has assisted North Korea's missile program by providing specialty steel, accelerometers, gyroscopes, and precision grinding machinery. The People's Republic of China is providing assistance to Libya's long-range missile program by assisting in the building of a hypersonic wind tunnel which is useful for designing missiles and cooperating in the development of Libya's Al Fatah missile which has a range of some 600 miles, threatening peace and stability in that area.

The People's Republic of China has helped Pakistan, Iran, North Korea, and Libya in a way which is very destabilizing.

What has been the reaction of the Clinton administration to these issues? The transfer of M–11 missiles to Pakistan falls under category 1 of the Missile Technology Control Regime, which is set up to establish gradations in seriousness of violations. That is category 1.

The 1991 National Defense Authorization Act mandates the President to deny for not less than 2 years certain licenses, and we find not only has the President not taken those steps on sanctions, but has, in addition, moved ahead and granted affirmative waivers to facilitate developing China's ballistic missile capability. Those waivers were granted in a celebrated case on the application of Loral Space and Technology.

A series of events, beginning in 1992, involving both Hughes and Loral demonstrates a very serious problem on transmitting to the People's Republic of China high-level technology.

On December 21, 1992, a Chinese Long March 2E rocket carrying a Hughes manufactured satellite crashed shortly after takeoff. Without attaining the required State Department license, the Hughes personnel engaged in a series of discussions with Chinese officials, giving them very important information.

On January 26, 1995, a Chinese Long March 2E missile carrying another Hughes satellite exploded approximately 50 seconds after takeoff. A 1998 State Department assessment showed that, ''Hughes directly supported the Chinese space program in the areas of [accident analysis] . . . .''

The Cox committee reviewed these matters and called for a very detailed investigation as to what had actually occurred.

On February 15, 1996, the People's Republic of China's Long March 3B missile exploded with a communications satellite on board built by Loral. Following these explosions, Loral and Hughes transmitted to the People's Republic of China their assessments of why the rockets failed. The assessments required a prior license from the Department of State which had not been obtained.

In May 1997, a classified Department of Defense report concluded that Loral and Hughes significantly enhanced the guidance and control systems of the People's Republic of China's nuclear ballistic systems. As a result of the Department of Defense report, the U.S. Department of Justice began a criminal investigation of Loral and Hughes. Then Loral applied for a waiver from the Clinton administration to launch another satellite from a Chinese rocket.

The Department of Justice weighed in and objected to a Presidential grant of a waiver on the ground that such a waiver would have ''a significant adverse impact on any prosecution that might take place based on a pending investigation of export violations by Loral.''

Notwithstanding the very serious issue of China having sold M–11 missiles to Pakistan creating a threat of nuclear war, notwithstanding the fact that Loral and Hughes gave an assessment to China which significantly enhanced their nuclear capability system, notwithstanding the fact that there was a criminal investigation pending by the Department of Justice, notwithstanding the fact that the Department of Justice objected to the grant of a waiver on the ground that it would have an adverse impact on their criminal investigation potential prosecution, the President on February 18 of 1998 granted the waiver.

What are we to make of all of that, and why, in fact, was the waiver granted? A preliminary investigation has shown that in an early memorandum in

January of 1998 from the National Security Adviser, there was a reference to a State Department concern about transfers by the People's Republic of China to Iran of C–802 antiship cruise missiles. That was a January 1998 draft memorandum from National Security Adviser Samuel R. Berger to the President.

When the final memorandum was submitted to the President by Mr. Berger on February 12, 1998, that important warning was dropped. The earlier memorandum had contained language of the importance of an expedited waiver because Loral was in the process of losing money. Isn't it curious that emphasis is placed upon Loral's financial situation while an important factor about the PRC's furnishing key weaponry to Iran is excluded in the final memorandum?

The decision by the President to grant that waiver is further suspect because the chief executive officer of Loral, Mr. Bernard Schwartz, had made a contribution to the President's campaign of some $1.5 million, and the chief executive officer of Hughes, Mr. C. Michael Armstrong, was the chairman of the President's export council actively lobbying on these issues, raising a very serious issue of a potential conflict of interest.

In the face of activity of this sort, it is my view that it is indispensable that the Congress maintain close oversight on what the executive branch is doing. It is my view that it is indispensable for Congress to maintain close oversight on the effort by the administration now to grant permanent normal trade relations with the People's Republic of China.

The preferable course, by far, in my view, is for Congress to make a year-by-year analysis as to what is happening so we can exert the maximum pressure on the People's Republic of China and not delegate to the President broader authority to initiate action which will grant permanent trade status to China so there is no opportunity for the Congress to impose leverage to try to secure China's compliance with their international commitments.

As a result of the large campaign contribution, $1.5 million from Mr. Schwartz, the special counsel retained by the Department of Justice to evaluate the campaign finance issue, Charles LaBella, recommended to the Attorney General that an independent counsel be appointed.

One of the reasons cited by Mr. LaBella for the need for independent counsel was the contribution made by Mr. Schwartz. That reason, among many other reasons, was forwarded by Mr. LaBella to the Attorney General, along with a strong recommendation by the Director of the FBI that independent counsel be appointed. Notwithstanding those strong recommendations, the Attorney General declined to appoint independent counsel on a complex subject which has been the matter of extensive hearings by the Judiciary subcommittee, which I chair, on Department of Justice oversight.

It is an extraordinarily difficult matter to pursue the executive branch to find the facts so the Congress can exercise its constitutional responsibility and authority on oversight.

Notwithstanding a subpoena issued by the Judiciary Committee calling for the production of the LaBella report, the report by FBI Director Freeh, and other reports, and all related documents, returnable on April 20, to this day the Department of Justice has not complied with that subpoena.

A hearing was held where Mr. LaBella testified about his recommendation for the appointment of independent counsel, including his view—hypothetically stated during the course of the hearing—that there should have been an investigation of Mr. Schwartz, and that where a potential quid pro quo was involved—those were Mr. LaBella's words; and the language of a quid pro quo is the equivalent of bribe language—with the allegation of a bribe, that the President should be investigated as well. Yet no independent counsel was appointed.

The Judiciary subcommittee on oversight is pursuing the documents, is pursuing the testimony of FBI Director Freeh. It has recently been disclosed that there are other documents which the Department of Justice has not provided, notwithstanding the return date is almost 1 month old—April 20 to today, May 17—so there will be an application on tomorrow's Judiciary Executive Calendar for a contempt citation as to the Department of Justice.

The subpoena is issued; some documents are returned; other documents are not returned; the full scope of the subpoena is ignored. We are trying to find out what happened on many matters, including the grant of a waiver to Loral. It is a long, hard chase to pursue the executive branch.

On these stated facts, the question arises inevitably: Is the Clinton administration to be trusted? I am not prepared yet to respond to that question because our investigation is not complete. But I am prepared to say that it is devilishly difficult to pursue the oversight function, that the Senate, the Judiciary Committee, the Judiciary subcommittee, have been led on a merry, meandering chase trying to find answers, trying to find documents, trying to corral witnesses to find out what actually happened in these matters.

So when Congress has the authority to decide on normal trade relations as to China, on a year-by-year basis, we ought not to give up that very important, that very powerful prerogative. We ought not to give up on the recommendation of the Clinton administration that China should have it. We ought not to give it to China in the face of their flagrant record of the proliferation of weapons of mass destruction, and in the face of the flagrant record by the Clinton administration of not acting with sanctions but even granting affirmative waivers to facilitate the development of Chinese capability for ballistic projection.

I believe there is substantial evidence that the People's Republic of China will respond to pressure and to leverage. When we talk about the sanctions, we are talking about something which is really in the hands of the executive branch. But when we talk about granting permanent normal trade relations, that is a power which is in the hands of the Congress. It is very difficult—really impossible—for the Congress to legislate with sufficient specificity to compel the executive branch to impose sanctions.

Some of my colleagues are talking about additional legislation. But at the end of every line of public policy, at the end of every line of sanctions, at the end of the rainbow, every time we take up these issues, there is an inevitable grant of authority to the President, as Chief Executive Officer, to grant a waiver under certain circumstances for national security reasons.

It is not practical for the Congress to put into place—or at least we have never been able to do it—a set of circumstances which can be predetermined to anticipate every eventuality, to mandate it without giving that kind of discretion to the President. That is why, where we have independent authority, such as granting permanent normal trade relations to China, we ought not to give it up.

When we talk about the issue of trusting the administration, trusting the executive branch, I am reminded of President Reagan's comment when dealing with the Soviet Union. There was a lot of wisdom in his comment about ''trust, but verify''—''trust, but verify''—deal with the Soviet Union, make arrangements with the Soviet Union, but verify to see that it is carried out.

There may well be an inherent institutional distrust built into the Constitution with the requirement of oversight and with the requirement of checks and balances. Perhaps ''institutional distrust'' is a little strong. But in the context of this record, with what China has done, with what Loral has done, to have a waiver granted under these circumstances certainly requires that there be a determination, at the very minimum, on the part of Congress that if we are to trust, we ought to verify, and we ought not to give up any of our powerful weapons to see to it that the People's Republic of China does not proliferate weapons of mass destruction.

In reviewing the efficacy of sanctions, in reviewing the desire of China to have normal trade relations, there was a case involving a librarian from Dickinson College in Carlisle, PA, last year which bears on this issue suggesting that China does respond to pressure, does respond to leverage.

The librarian, Yongyi Song, was within 1 month of being sworn in as a

naturalized U.S. citizen, having lived in Pennsylvania for some 10 years, prior to the time that he and his wife Helen took a trip to China last August to study the Cultural Revolution. He is a very distinguished Chinese scholar.

In August, he was taken into custody by the People's Republic of China on trumped up charges. His wife similarly was taken into custody. She was released. But he remained in custody and on Christmas Eve was charged with a very serious crime.

The family came to me, the college came to me, and with a large number of Senate cosponsors, I filed a resolution seeking the immediate release of Yongyi Song on the grounds that he was being detained improperly, illegally, without regard to basic standards of decency and criminal justice protocol.

I had a meeting with the Chinese ambassador, and ultimately Yongyi Song was released. There is good reason to believe that the pressure, the leverage had some effect on what activity was taken by the People's Republic of China.

The condition of normal trade relations with the United States is an item which is very highly prized by the People's Republic of China.

And it is one which we ought to maintain in reserve to evaluate their conduct on a year-by-year basis. It is my view that when you deal with the question of weapons of mass destruction, and when China arms Pakistan, and when China arms Libya, and when China arms Iran, when China arms North Korea, those are matters of much greater consequence than the dollar profit to be gained by greater trade with China.

When people say, ''If we don't sell it, somebody else will,'' I respond to that comment emphatically by saying we ought not to sell it. We ought to take a leadership role in the world to try to persuade our allies not to sell it either because the almighty dollar is not worth the risk we run by giving China a free hand to proliferate weapons of mass destruction. If we are to take a cost-benefit ratio relationship, taking a look at our $300 billion defense budget, and apportioning a part to what we have to do with the 7th Fleet in the Taiwan Strait when the People's Republic of China threatens Taiwan and a test missile drops there in their bullying efforts, considering what we have to do by way of defensive efforts, it is a bad deal in dollars and cents for whatever profit we may gain with our trade with the People's Republic of China.

Mr. President, the question of human rights is a very important one. The record in China has been deplorable. We have utilized the trade issue to try to impose leverage on China, to try to persuade them to improve their human rights. It is a complex conclusion as to whether, on that issue alone, the people of China might be better off with expanded trade, which would improve the quality of life and living in China, which might move them along the road to democratization which, in the long run, might have an overall beneficial affect on human rights in China. And on a year-by-year basis, I have supported granting most-favored-nation status. In light of the developments on the proliferation of weapons of mass destruction, I am not sure that even that ought to be done on a year-by-year basis. When we take a look at the violation of human rights, including religious persecution by the People's Republic of China, it is deplorable.

Last September, police instructed 12 underground Catholic Church leaders in Wenzhou to go to a hotel where they were pressured to join the official Catholic Church. On October 18, last year, police disrupted services at two of Guangzhou's most prominent house churches. One of the pastors, Li Dexian, and his wife were detained, and his church was ransacked by the police. On August 24, 1999, 40 house church members were arrested, and the church leaders were sentenced to 1 to 3 years in a reeducation-through-labor camp. Other items are cited, which I will have introduced into the RECORD at the close of my statement.

The issue of religious persecution in China is overwhelming. In 1997, I introduced S. 772, the Freedom From Religious Persecution Act, and later joined with Senator NICKLES in structuring legislation, which became law on October 27, 1997, the International Religious Freedom Act of 1998.

I make reference to that during the course of these remarks to point out the problems of violation of human rights. It happens again and again and again—repressive action taken by the People's Republic of China. That is a factor which should weigh heavily in our consideration of granting of trade relations to the People's Republic of China.

When I visited the Ambassador, talking about the case of the Dickinson librarian, I received a lecture about not meddling in internal Chinese affairs. I responded with a short lecture of my own about human rights and about the appropriate process of decency in dealing with criminal matters as a matter of balance, noting that we in the United States have great respect for the 1.2 billion people in China. The Ambassador quickly corrected me, pointing out that there are 1.250 billion people in the People's Republic of China. I overlooked 50 million, and perhaps the number had grown during the course of our conversation. There is no doubt that China is the upcoming colossus of the world, the dominant power, and that we are going to have to be very, very careful.

In conclusion—perhaps the two most popular words in any speech—I believe that we have to give very sober consideration to the totality of our relationship with the People's Republic of China. In commenting about a nation of 1.250 billion people, with their potential, it is no doubt that they are becoming a superpower, if they are not already a superpower. They may become the dominant superpower with that kind of a population. When they are throwing their weight around by selling weapons of mass destruction to the likes of North Korea, Libya, and Iran, and selling missiles to Pakistan, which threatened world peace with the nuclear exchange between Pakistan and Iran, the United States ought to retain all the leverage and pressure that it can.

The facts are that we cannot rely upon the Clinton administration to do that. It may be that, institutionally, we cannot rely upon any administration to do that and, institutionally, the Constitution gives oversight authority to the Congress, and the checks and balances in the Constitution require that we maintain leverage and see to it that the national interests of the United States are maintained. That is a constitutional responsibility of the Congress. And it is in that context, from what I have seen on proliferation as chairman of the Senate Intelligence Committee and the dereliction I have seen in my chairmanship of the oversight committee of the Department of Justice, that I urge my colleagues to vote against the granting of permanent trade relations to the People's Republic of China.

My eight years on the Senate Intelligence Committee including the chairmanship in 1995 and 1996 and my current chairmanship of the Judiciary Subcommittee on Department of Justice oversight have convinced me that the People's Republic of China (PRC) threatens world peace by flagrantly proliferating weapons of mass destruction to countries like Pakistan, North Korea, Iran and Libya.

The Clinton Administration has not only deliberately refused to impose mandated sanctions but has also granted unwarranted waivers facilitating technology transfers to enhance the PRC's missile capabilities. As noted in the New York Times article entitled ''Clinton Argues for 'Flexibility' Over Sanctions'' on April 28, 1998, President Clinton admitted that U.S. sanction laws have put ''enormous pressure on whoever is in the Executive Branch to fudge an evaluation of the facts of whatever is going . . .''

Congress should assert its constitutional oversight and checks and balances on Executive Branch excesses by retaining annual review of trade with China to influence the PRC to honor its non-proliferation obligations and conform to fundamental standards of civility and decency in the community of nations.

With regards to the PRC and matters of proliferation, the essential facts are:

According to the unclassified extract of the classified National Intelligence Estimate of September 1999, the PRC sold M–11 missiles to Pakistan in November 1992, which are now pointed at India armed with nuclear weapons

causing or contributing to the threat of nuclear war between those two countries.

The PRC has supplied Iran with ballistic and cruise missiles and technology for chemical, biological and nuclear weapons, according to a report by the Congressional Research Service entitled ''Chinese Proliferation of Weapons of Mass Destruction: Current Policy Issues,'' dated April 13, 2000.

PRC has assisted North Korea's missile program by providing specialty steel, accelerometers, gyroscopes, and precision grinding machinery, as also noted in the ''Chinese Proliferation of Weapons of Mass Destruction: Current Policy Issues'' CRS report.

The PRC is providing assistance to Libya's long-range missile program by assisting in the building of a hypersonic wind tunnel which is useful for designing missiles, and cooperating in the development of Libya's Al Fatah missile, which has a range of 600 miles, according to the CRS report entitled ''Chinese Proliferation of Weapons of Mass Destruction: Current Policy Issues.''

The PRC's transfer of M–11 missiles to Pakistan falls under Category I of the Missile Technology Control Regime (MTCR). According to the U.S. Department of State Bureau of Nonproliferation, Category I of the MTCR applies to ''complete missile systems, as well as major systems . . .'' as noted in the February 8, 2000 Fact Sheet entitled ''Missile Technology Control Regime (MTCR).''

Where there has been a Category I violation, the 1991 National Defense Authorization Act (Public Law 101–510) mandates the President to deny, for a period of not less than two years, licenses such as the licenses for the technology transferred to the PRC by Hughes Space and Communications, Inc. and Loral Electronics to the PRC, as specified herein.

On December 21, 1992, a Chinese Long March 2E rocket carrying the Hughes-manufactured Optus B2 Satellite crashed shortly after takeoff. Without obtaining the required State Department license, Hughes personnel engaged in a series of discussions with Chinese officials in 1993 and 1994 regarding improvements in the fairing (nose cone) of the Long March 2E rocket which resulted in changes. These events were clearly outlined in Volume II of the Report of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, also known as the Cox Report.

On January 26, 1995, a Chinese Long March 2E rocket carrying the Hughes Apstar 2 satellite exploded approximately 50 seconds after takeoff. A 1998 State Department assessment concluded that, in working with the Chinese to address the cause of the failure, ''Hughes directly supported the Chinese space program in the areas of anomaly analysis/accident investigation, telemetry analysis, coupled load analysis, hardware design and manufacturing, testing, and weather analysis,'' as noted in the Cox Report.

The Cox Committee reviewed the Hughes launches and failure analysis and concluded that further inquiry should be conducted to determine: first, that the kind of information that may have been passed to the PRC beyond what has been revealed by Hughes; second, the application, if any, of coupled loads analysis to improving PRC ballistic missiles; and third, the likelihood that the PRC will in fact incorporate this know-how into their future missile and space programs.

Additionally, I was informed in a letter from Wilma Lewis, United States Attorney for the District of Columbia on May 10, 2000, that the Department of Justice, including the U.S. Attorney's Office for the District of Columbia, has undertaken a criminal investigation of the 1995 failed launch as part of an investigation of a 1996 launch failure analysis involving both Loral and Hughes, but no prosecution decisions have been made even though the statute of limitations has expired on the January 26, 1995 launch and crash.

As outlined in the Cox Report, on February 15, 1996, the PRC's Long March 3B missile exploded with a communication satellite on board which was built by Loral. Following this explosion, Loral and Hughes transmitted to the PRC their assessments of why the rockets failed which assessment required a prior license from the State Department. As noted in the Cox report, in May, 1997, a classified Department of Defense report concluded that Loral and Hughes significantly enhanced the guidance and control systems of the PRC's nuclear ballistic missiles.

Following the DoD Report, the Department of Justice began a criminal investigation of Loral and Hughes. Then, Loral applied for a waiver from the Clinton Administration to launch another satellite from a Chinese rocket.

Bernard Schwartz, Chief Executive Officer of Loral, contributed approximately $1,500,000 to President Clinton's 1996 campaign. C. Michael Armstrong, Chairman of Hughes, who lobbied the Administration against sanctions and for expansion of satellite exports to China, had a potential conflict of interest from his contemporaneous service as Chairman of the President Clinton's Export Advisory Council.

A January 1998 draft memorandum from National Security Samuel R. Berger to the President regarding the Loral waiver included the issue of the PRC transfers to Iran of C–802 anti-ship cruise missiles. The Internal State Department correspondence dated December 3, 1997 noted that: ''In light of our ongoing review of China's transfers to Iran of C–802 missiles, you should be aware that if a determination were made triggering sanctions under the Iran-Iraq Nonproliferation Act, the sanctions might prohibit the export of satellites licensed but not yet exported.''

The final memorandum from Mr. Berger to the President on February 12, 1998 did not include the concerns of the Department of State regarding the PRC's transfers to Iran.

As clearly noted in Maureen Tucker's memorandum for Samuel Berger, entitled ''Request for Presidential National Interest Waiver for Chinasat–8 Communications Satellite Project,'' of January 30, 1998, the Department of Justice through a Deputy Assistant Attorney General, objected to a presidential grant of that waiver on the grounds that ''a national interest waiver in this case could have a significant adverse impact on any prosecution that might take place based on a pending investigation of export violations by Loral,'' according to the memorandum for the President from Samuel L. Berger, Larry Stein, and Daniel K. Tarullo entitled ''Request for Presidential National Interest Waiver for Chinasat 8 Communications Satellite Project,'' dated February 12, 1998.

As I was informed in a letter from Wilma Lewis, United States Attorney for the District of Columbia on May 10, 2000, Main Justice, in collaboration with the U.S. Attorney's Office in the District of Columbia, has been investigating the Loral/Hughes matters for three years with only two, sometimes one, attorney(s) assigned to the case.

On May 4, 2000, the Judiciary Subcommittee requested a briefing from Mr. Berger, and was later advised that he would not be available until June 13th. By letter dated May 11, 2000, the Judiciary Subcommittee requested the briefing before Mr. Berger's scheduled departure from the United States on May 16th so the briefing would occur before the Congressional votes on PNTR. The request was rejected.

Without drawing any conclusions at this stage, questions are obviously raised by the long delays in the Department of Justice investigation of Hughes and Loral, including allowing the statute of limitations to run on the January 26, 1995 explosion of the Hughes satellite, the limited resources devoted to the Hughes/Loral investigation and the issue of possible undue influence by Mr. Schwartz or Mr. Armstrong. A further question arises as to whether the delays by the Clinton Administration seek to defer answers on these sensitive issues until after the PNTR Congressional votes.

Perhaps the Department of Justice will satisfactorily answer these questions even though the Attorney General rejected the recommendation of Charles G. LaBella, Esquire, for the appointment of Independent Counsel on the President and Mr. Schwartz on Mr. Schwartz's contribution. If not, Congressional oversight should seek answers including Mr. Berger's decision to omit the Department of State concerns on the PRC transfers to Iran of C–802 anti-ship cruise missiles from the final memorandum to the President.

Even without answers to those questions, the record is clear that the PRC has been guilty of proliferation of weapons of mass destruction and the Clinton Administration has not only not acted to stop that proliferation, but has assisted with the grant of the Loral waiver.

For those who look to profits from increased trade with the PRC, what is the cost/benefit ratio of building, maintaining and sending the 7th Fleet to the Taiwan Strait with the added profits from increased China trade? As a matter of basic morality, the U.S. should not engage in such a balancing test or even consider rewarding the PRC's aggressive tactics. But to those who look to trade profits, let them draw the balance sheet and apportion the appropriate part of the $300 billion Defense budget to the PRC's threat to Taiwan. While hard to calculate, it very likely costs U.S. taxpayers a great deal more than U.S. consumers would benefit from cheaper Chinese goods. But, more importantly, it is not the right thing to do.

HUMAN RIGHTS VIOLATIONS

For decades, the PRC has violated human rights illustrated by the Tiananmen Square massacre. In voting, I have supported extending the PRC's NTR status on a year by year basis in the past. In doing so, I have weighed the potential long-range benefits to the people of China from NTR status with a view that as China prospered and moved toward democracy, there would be a concomitant improvement of human rights. That improvement, in my opinion, depends upon continuing pressure and leverage on the Chinese government.

I saw this firsthand from my experience with a constituent, Mr. Yongyi Song, a librarian at Dickinson College in Carlisle, Pennsylvania. Mr. Song had resided in Carlisle for approximately ten years and was due to be sworn in as a United States citizen in September, 1999 when he and his wife, Helen, took a trip last August to the Peoples Republic of China where he intended to pursue his studies of the cultural revolution. On August 7, 1999, Mr. and Mrs. Song were arrested and detained without cause. Mrs. Song was released on November 16, 1999. On Christmas Eve, Mr. Song was charged with ''purchase and illegal provision of intelligence to persons outside China'' without any foundation.

At the request of the Song family and Dickinson College officials, I filed a resolution with eight Senate co-sponsors expressing the sense of the Congress that, the Government of the People's Republic of China should immediately release from prison and drop all criminal charges against Yongyi Song, and should guarantee in their legal system fair and professional treatment of criminal defense lawyers and conduct fair and open trials. I then sought a meeting with Chinese Ambassador Li Zhaoxing which was scheduled for 11:30 am on Friday, January 28, 2000. Earlier that morning I heard a rumor that Dr. Song was being released.

My meeting with Ambassador Li Zhaoxing was pleasant and cordial although each of us expressed our views in direct blunt terms. Ambassador Li Zhaoxing objected to U.S. protests on Mr. Song and other human rights issues on the ground that we were meddling in China's internal affairs. I countered that Mr. Song was entitled to the protection of the United States government and that human rights were a universal matter so that our intervention did not constitute officious meddling in their internal affairs. When I commented that we had great respect for the power of China with 1,200,000,000 people, I was promptly corrected by Ambassador Li Zhaoxing that the correct figure was 1,250,000,000 people with the Ambassador losing no time in telling me the rapid growth of China's increasing power.

On the Senate floor, I argued that the People's Republic of China should have to observe minimal standards of decency and civility if China wished to gain the benefits of membership in the world community including permanent trade status and membership in the World Trade Organization. In my opinion, the leverage from the Senate resolution and China's interest in membership in the World Trade Organization or Normal Trade Relations status were instrumental in securing the release of Mr. Yongyi Song.

Another area of serious human rights abuse in China that has been brought to my attention in recent years is the persecution of Christians and other religious minorities. The PRC officially permits only two recognized Christian denominations—one Protestant and one Catholic—to operate openly. As a result, unapproved religious groups, including all other Protestant and Catholic groups, experience repression and persecution by the government of the PRC.

In the past year, religious services were forcibly broken up and church leaders and followers were fined, detained, and imprisoned. For instance, in September 1999, police instructed 12 underground Catholic church leaders in Wenzhou to go to a hotel, where they were pressured to join the official Catholic church. On October 18, 1999, police disrupted services at two of Guangzhou's most prominent house churches. One of the pastors, Li Dexian and his wife were detained, and his church was ransacked by the police. On August 24, 1999, 40 house church members were arrested, and the church leaders were sentenced to 1 to 3 years in a reeducation-through-labor camp.

In an effort to combat such religious persecution in China and other countries around the world, I introduced S. 772, the ''Freedom from Religious Persecution Act'' in May, 1997. The following Spring, I worked with Senator NICKLES to produce the text of S. 1868, the ''International Religious Freedom Act of 1998'' which became law in October 27, 1998 and required, among other things, that the State Department issue an annual report on religious freedom around the world. The first State Department report on religious persecution was issued in September, 1999, and it listed China as one of the ''most repressive nations.''

Another area of great concern to me is the Chinese system of criminal justice. Although the Chinese legal system was significantly reformed in 1997, on paper, the PRC has not fully implemented these reforms. The judicial system in many cases denies criminal defendants basic legal safeguards and due process. For example, defendants continue to be subjected to torture, forced confessions, arbitrary arrest and prolonged detention. Police often use loopholes in the law to circumvent a defendant's right to seek counsel. Furthermore, lawyers who try to defend their clients aggressively often are harassed or detained by police and prosecutors. For example, on January 6, 2000 the New York Times reported on the case of Liu Jian, a criminal defense attorney, who was detained in July 1998. After defending a local official charged with taking bribes, Liu was charged with ''illegally obtaining evidence'' and was detained for 5 months. He eventually pled guilty in exchange for a light sentence, but his criminal record prevents him from practicing law.

There are virtually daily media reports of additional PRC's human rights violations. For example, a front page New York Times story on May 8, 2000 reports Chinese leaders criticizing prominent academics and forbidding or punishing newspapers from running their articles. The same edition of the New York Times reports forcing changes in Princeton's language program because of a critical essay in the Beijing Social Science Journal.

CONCLUSION

The record of the Clinton Administration's winking at the PRC's flagrant proliferation violations, in conjunction with Congress's constitutional responsibility for oversight and checks & balances of Executive Branch excesses calls for our retaining annual review of trade relations with China.

Ignoring obvious facts which mandate sanctions calls into question many U.S. laws on sanctions and adherence to the rule of law generally, leaving critical questions of national security to presidential ''fudging''. The frequently heard plea ''if we don't sell it to them, someone else will'' should be forcefully met with U.S. policy not to sell and U.S. leadership to persuade other nations not to sell to rogue countries.

The record does show that the PRC responds to pressure to achieve highly-prized trade relations with the United States. Accordingly, we should use PNTR to influence the PRC to honor its international obligations not to

proliferate and to conform to fundamental standards of civility and decency of the international community of nations.

Mr. President, I ask unanimous consent that a press release I issued yesterday be printed in the RECORD.

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

SENATOR SPECTER OPPOSES PERMANENT NORMAL TRADE RELATIONS WITH CHINA

In a Senate floor statement scheduled for May 17, 2000, Senator Arlen Specter announced his intention to vote against Permanent Normal Trade Relations (PNTR) with the People's Republic of China (PRC) and urged his Congressional colleagues to do the same.

Senator Specter based his opposition to PNTR on China's flagrant proliferation of weapons of mass destruction and the Clinton Administration's (1) refusing to impose mandated sanctions and (2) granting a waiver to enhance China's missile capabilities, plus the PRC's deplorable record on human rights.

Senator Specter cited:

(1) The PRC's sales of weapons of mass destruction to Pakistan, North Korea, Iran and Libya.

(2) The PRC's sale of M–11 missiles to Pakistan, which are now pointed at India threatening nuclear war on the sub-continent, was a Category 1 infraction mandating sanctions to preclude licensing of technology such as that transferred by Loral and Hughes to the PRC.

(3) Without obtaining the required license from the State Department, Loral and Hughes provided information to the PRC on a missile explosion which the Department of Defense concluded significantly enhanced the PRC's nuclear ballistic missiles.

(4) After the Department of Justice initiated a criminal investigation of Loral and Hughes for those disclosures to the PRC, Loral applied for a Presidential waiver to launch another satellite from a Chinese rocket.

(5) Notwithstanding a DoJ objection that a presidential waiver would have a ''significant adverse impact on any prosecution'', President Clinton granted the waiver.

Noting President Clinton's close relationship to CEOs from Loral and Hughes and the President's admission that there was ''enormous pressure * * * to fudge the facts * * *'' on sanction laws, Senator Specter concluded that Congress should assert its Constitutional oversight and checks & balances on Executive Branch excesses by retaining annual review of trade with China.

Senator Specter served eight years on the Senate Intelligence Committee including the chairmanship in 1995–96 and currently chairs the Judiciary Subcommittee on Department of Justice.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mrs. MURRAY. I yield 15 minutes to the Senator from California to speak on the Daschle amendment that is before the body this morning.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I want to use my 15 minutes to do three things. The first two are to debunk certain myths that the National Rifle Association has developed. The first is the myth they have developed with respect to the second amendment to the Constitution. Second is the myth that the gun laws are not being enforced. The third item I would like to discuss is the juvenile justice bill that has been awaiting conference now for about a year.

Let me begin by talking about the NRA claim that the second amendment to the Constitution gives every individual the right to own any kind of weapon, no matter how powerful or deadly:

From the Derringer to a Bazooka. From the .22 to .50 caliber weapon. From a revolver that holds 5 bullets to weapons of war with drums of 250 rounds. From the copper jacketed bullets to the black talon that rips apart organs as it passes through a body.

The fact of the matter is that the Supreme Court has never struck down a single gun control law on second amendment grounds. Let me just quickly read to you the second amendment. It says:

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Contrary to the constant claims of the NRA, the meaning of the second amendment has been well-settled for more than 60 years —ever since the 1939 U.S. Supreme Court ruling in United States v. Miller. In that case, the defendant was charged with transporting an unregistered sawed-off shotgun across state lines.

In rejecting a motion to dismiss the case on second amendment grounds, the Court held that the ''obvious purpose'' of the second amendment was ''to assure the continuation and render possible the effectiveness'' of the State militia. Because a sawed-off shotgun was not a weapon that would be used by a state militia—like the National Guard—the second amendment was in no way applicable to that case, said the Court.

More than 40 years after the 1939 Miller case, in the 1980 case of Lewis v. United States, the Supreme Court again held that ''the Second Amendment guarantees no right to keep and bear a firearm that does not have 'some reasonable relationship to the preservation or efficiency of a well regulated militia.'''' Again, the Court pointed to the militia as the key to the right to keep and bear arms.

Since Miller, the Supreme Court has addressed the second amendment twice more, upholding New Jersey's strict gun control law in 1969 and upholding the Federal law banning felons from possessing guns in 1980.

Furthermore, twice—in 1965 and 1990—the Supreme Court has held that the term ''well-regulated militia'' refers to the National Guard.

And in the early 1980s, the Supreme Court even refused to take up a Second Amendment challenge, leaving established precedent in place. After the town of Morton Grove, Illinois, passed an ordinance banning handguns—making certain reasonable exceptions for law enforcement, the military, and collectors—the town was sued on second amendment grounds.

The Illinois Supreme Court and the U.S. Seventh Circuit Court of Appeals ruled that not only was the ordinance valid, but went further to say—explicitly—that there was no individual right to keep and bear arms under the second amendment. In October 1983, the U.S. Supreme Court declined to hear an appeal of this ruling, allowing the lower court rulings to stand.

I was mayor of San Francisco when this took place, and I put forward legislation in the early 1980s to ban possession of handguns in San Francisco since at that time the homicide rate was soaring. The legislation passed. It was subsequently preempted by State law in a case brought and carried up to the State supreme court on the basis that the State of California had preempted the areas of licensing, of registration, and of possession, but it was not struck down on second amendment rights grounds.

Perhaps this history is what led former Supreme Court Chief Justice Warren Burger in 1991 to refer to the second amendment as ''the subject of one of the greatest pieces of fraud, I repeat the word 'fraud,' on the American public by special interest groups that I have ever seen in my lifetime. . .[the NRA] ha(s) misled the American people and they, I regret to say, they have had far too much influence on the Congress of the United States than as a citizen I would like to see—and I am a gun man.'' This was Warren Burger—a Nixon appointee to the Court.

Burger also wrote,

The very language of the Second Amendment refutes any argument that it was intended to guarantee every citizen an unfettered right to any kind of weapon. . .[S]urely the Second Amendment does not remotely guarantee every person the constitutional right to have a 'Saturday Night Special' or a machine gun without any regulation whatever. There is no support in the Constitution for the argument that federal and state governments are powerless to regulate the purchase of such firearms . . .

Erwin Griswold, former dean of Harvard Law School and Solicitor General in the Nixon Administration said in 1990 that ''It is time for the NRA and its followers in Congress to stop trying to twist the Second Amendment from a reasoned (if antiquated) empowerment for a militia into a bulletproof personal right for anyone to wield deadly weaponry beyond legislative control.''

All told, since the Miller decision, lower Federal and State courts have addressed the meaning of the second amendment in more than thirty cases. In every case, up until March of 1999, the courts decided that the second amendment refers to the right to keep and bear arms only in connection with a State militia—in other words, the National Guard, not an individual.

And the NRA is clearly aware of this history. Despite all of the NRA's rhetoric and posturing on this issue, they