

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 mean 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.

Also, with health care, we passed a Patients' Bill of Rights that says you can appeal, but the first appeal goes to a medical professional and not to lawyers. I think that is the better way to go. The opposition, of course, has seen to it that it ultimately not pass, but it has passed here.

We passed bankruptcy reform which provided that if persons were able to repay at least a portion of their debt, that was an appropriate thing to do.

So we have made a substantial amount of progress. We have, I think, many issues we need to discuss that are terribly important. This is a place for decisions on the direction we take, which is what elections are about, and the direction that you and I as voters and as citizens believe the country ought to move. There are legitimate differences. That is really what we deal with. Unfortunately, many times we do not get down to what those real differences are but get tied up in other things.

On education, for example, I do not think there is a Senator in this place who doesn't believe education is one of the most important issues before us. Almost everyone in the country thinks that. The question is not that. The question is, What kind of educational support do we expect from the Federal Government? The amount the Government contributes from the Federal level is about 7 percent, but it is substantial. It deals with certain things such as special education. The real issue has not been that. The real issue

is whether the Federal bureaucracy should tell the school districts what they ought to do with that Federal money or whether, indeed, we send it there and say they may have unique problems and need to spend their money for different things. The needs in Pinedale, WY, are different than they are in Pittsburgh, PA. We believe that. That has been the difference. I think it is a fundamental difference in government.

Social Security—no one would object to the notion we ought to strengthen Social Security. I think everyone would agree with the idea we want Social Security dollars to be safely entrenched. But there are some differences as to how we do that. There is a proposition on the floor that I support—I think it is excellent—that would give a choice to younger people. People over 55 or whatever probably would stay the same, but younger people would have an opportunity to invest or have invested in their behalf a portion of those Social Security dollars in the private sector, in equities. They could choose whether it be in stocks or whether it be in bonds or whether it be in combination. The point being, if we do not do something about Social Security by the time young people who are now beginning to pay in become eligible for benefits, there will not be any, the demographics have changed so much.

We started out with over 20 people working for every 1 drawing benefits. Now we have 3 people working for every 1 who draws benefits; it will soon be 2. We have to do something different than what we have been doing in the past. Obviously, you can raise taxes if you choose. That is not a popular idea. You can lower benefits, again not a popular idea. A third alternative is you can increase the return on those dollars that you have paid in and are in the trust account, and that is the difference.

There is not agreement on that so we have to choose which way we want to go.

I mentioned the Patients' Bill of Rights. Do you want someone in the medical community making a decision instead of your insurance company or do you want to go to court? You get to court, of course, long after the medical decision should have been made.

We ought to be doing something to pay down the debt. We talk about paying down the debt, but we do not seem to do much on that. There is a proposition that I think is great, and that is to set aside, as one would with a house mortgage, money and say we are going to pay down so much of this \$5 trillion every year and it becomes part of the budget. It makes a lot of sense to me. We find opposition to that because people want to spend the money, and if there is a surplus, they think Government ought to grow and get into many other areas. That is a philosophical difference of opinion.

Tax reduction is much the same. When we have a surplus, it seems to me

if after having funded the programs that have been authorized, after having done something to strengthen Medicare and having done something to begin to pay down the debt and strengthen Social Security, there is still surplus left, let that go. If we leave it here, it will be spent. It ought to go back to the people who paid in those dollars.

Again, it is a different view than those who generally on the other side of the aisle want more Government, more expenditures, and do not agree with that idea. Those are legitimate differences. We have to make a decision, and we have to move forward. We haven't much time to do many of those things.

Some of the questions before us are more parochial, more applicable to different parts of the country. I come from a State where 50 percent of the land belongs to the Federal Government, so the management of Federal lands and Federal resources have a great impact on our lives and on our economy.

Everyone wants to preserve our resources. They want to take care of the natural resources. Certainly I do. I am chairman of the Parks Subcommittee. There is nothing I care more about than preserving those resources. At the same time, if we are going to do that, we need to have an opportunity for the owners to have access and to enjoy these resources. We also need to have multiple use so we can have hunting, hiking, grazing, and mineral production.

Those are the kinds of issues with which we need to deal. The question is, How deeply do we want the Federal Government involved in making all the decisions in our lives? It is a legitimate difference.

We are ready to move forward now. Out of 13 appropriations bills, we have completed 2. We have 11 to go. We will be putting together probably one or two bills at a time. I hope we do not come to the end with a huge omnibus package. That is not good governance. I hope we can avoid that.

If, for example, we are considering the Interior appropriations bill, I hope we can get away from talking about the Patients' Bill of Rights or minimum wage. Those issues are great issues. We have already dealt with them. We have already voted on them. I think simply to bring them up as a blockage to moving forward with what we have to do is a mistake in governance. I hope we do not do that.

I expect the chairman of the Budget Committee to come to the floor shortly and talk a little more about the budget, about the surplus, about the prospects of what we are going to do with those dollars; whether we can, indeed, take 90 percent of this surplus and put it into debt reduction and still have about \$27 billion or \$28 billion to deal with those issues that need to be strengthened, such as Medicare and Social Security.

We have an opportunity to do those things. I am hopeful that each of us as

citizens and voters of this country will take a look at how we see the future role of the Federal Government.

We need to deal, obviously, with the military. Defense continues to be a most important item. Most people will agree we have not financially supported the military to the extent it needs to be supported for them to carry out the mission we have assigned. We have made some progress. We have put more money into the military over the last several years, more than the administration has asked for, in fact. We need to continue to do that so we can have a safe United States.

I hope we can move forward. I appreciate the opportunity to discuss a little bit of my view of where we ought to go.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUNNING. 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 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