

and shows that China is still a major offender of internationally recognized human rights. You pick the category, whether it is coerced abortion, the so-called one-child policy, whether it is slave labor and the refusal to allow international inspection teams to go in and look at these slave labor camps, whether it is the repression of all free expression or criticism of the Government, or whether it is other forms of human rights abuses like the repression of freedom to worship by religious minorities in China, you pick the category, and you will find that there is an absolute intolerance of freedom and that these ongoing abuses show us that they have not made progress under the current policy.

According to a recent report in the Washington Post entitled, "U.S.-China Talks Make Little Progress on Summit Agenda," we find that the United States is getting very few concessions from China relating to the inspection of the technology that we share with them. We are getting very few concessions on limiting the proliferation of technology to third parties like Iran. We are getting very few concessions on human rights conditions, particularly in the nation of Tibet.

So as we make our agenda, as we make the plans for the President's trip to China, what are we getting? Out of the negotiations that have been going on, what kind of concessions do we find from the Chinese Government? There have been four major high-profile prisoners who have been released. There are thousands that remain incarcerated, thousands who remain languishing in Chinese laogai camps, yet we are expected to say there is progress in human rights because four high-profile individuals have been released.

So, Mr. President, with your administration currently under investigation by your own Justice Department relating to this "missiles for money" transfer, it is inconceivable to me how you can go forward with your planned June 24th trip to China. The cloud now brewing over your administration's relationship with the leadership of the People's Republic of China makes suspect any agreements that may be reached or any statements that may be made during this summit.

Mr. President, until this cloud of criminal and ethical investigations has blown over and been resolved, I urge you to delay your planned trip in June, and to postpone it. It is imperative that this country present a unified foreign policy. It is imperative that we be united in our international relationships, and particularly our relationship with this, the most populous nation on the globe.

But in order to have that kind of unity, one that is free of partisanship, one that is untainted by allegations of illegal dealing, it is imperative that this planned trip in June be postponed. It is hard for me to imagine with such a cloud over our relationship with China, with such allegations of an or-

ganized, planned, if you will, conspiracy by the Chinese Government to influence the outcome of American elections, how any good could come from this trip to China at this stage. The atmosphere surrounding this summit has now been polluted.

Mr. President, here again is what we know. We know that the CIA intercepted a call which hinted at a plan by China to influence our elections. And may I say, my colleague, Senator THOMPSON, should feel vindicated. And those who ridiculed his allegation in this regard should apologize to him personally, I believe. The American people owe him a debt of gratitude for his untiring efforts to reveal this nefarious plan.

We know that the CIA intercepted that call. We know that Johnny Chung has testified that the PLA, through one of their top leaders, General Liu, provided \$80,000 to the DNC and \$20,000 to other Democratic causes.

We know that at the same time as these moneys were being given to the DNC, the same time those contributions were being made, Loral and Hughes provided key missile technology to China and the PLA—under a waiver granted by the Clinton administration.

We know that the State Department has said that this technology transfer "harmed our national security."

We know this, that an executive at Motorola also claims they are assisting China's missile program under a waiver from the Clinton administration.

We further know that the Clinton administration shifted the key decision-making authority on satellite and missile technology from the State Department to the Commerce Department, which was a much more China-friendly agency or Department.

We know this, that China transferred key military nuclear technology to Pakistan and to other rogue states like Iran, all without any action or denunciation by this administration.

We know that all but five of China's long-range nuclear missiles are pointed at the United States.

We know that the PLA continues to profit from selling consumer goods in the United States. And we know that the PLA continues to profit from slave labor.

We know that human rights continue to be abused in China and that this administration has soft-pedaled very serious human rights concerns.

This is an ugly list, detailing a tangled relationship that now appears to have forever damaged our national security, a relationship that now may have escalated the risk of nuclear war on the Asian continent and that will forever make it more difficult to keep the nuclear genie in a secure bottle.

This relationship must be investigated. I believe appropriate Senate committees will be doing that investigation. We know that the Justice Department is continuing this investigation, but all questions relating to how

this relationship progressed must be answered, and the President should delay and postpone his planned trip to China until those answers are forthcoming. The American people deserve to have those answers.

I yield the floor.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as in morning business for up to 15 minutes.

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

#### TOBACCO LEGISLATION

Mr. GREGG. Mr. President, possibly later today we will begin on this floor the debate and voting on the language relating to the tobacco settlement. This is obviously a fairly significant piece of legislation. It has the potential to represent one of the most complex pieces of legislation ever considered by this body—at least certainly in my time in Government. It also represents, potentially, one of the largest tax increases that this Congress will consider assessing. It represents a dramatic step in a number of different areas of law in which this Congress has toyed with but has never really fully participated.

I want to talk about one specific area of that issue, which is the area of granting to a manufacturer of a product in this country product liability protection, or immunity, as the term has become known. There are a lot of products made in this Nation today, a lot of products made for the purpose of improving the lives of people, a lot of products made for enjoyment, products that are made to get us through a day, and products like tobacco. Most of these products—in fact, the vast majority of these products—have no special protection should they be produced in a manner that harms someone. And if an individual in our country is harmed by the use of a product, they have recourse through our court system. It is a very integral part of the free marketplace that an individual who buys a product have the ability to go into court and address the safety of that product as it affected that individual.

Why is that critical? Because a long time ago we rejected the concept of caveat emptor in this country—that if you sell somebody a product, the person who buys the product assumes all the risk. In order to discipline the marketplace, in order to make sure we had a safe marketplace where things being sold in our country in the capitalist system would have some discipline in the quality of those items, we have developed a large amount of case law that allows an individual who thinks they have been impacted or can prove they have been impacted by, or harmed by, a product sold to them has a right to go into court and proceed to get recovery for that harm, if they can prove it.

It is one of the really core elements that makes our marketplace work. It is one of the core elements that makes

our Nation function as a dynamic economic engine. When we start addressing that issue of what rights an individual has in relationship to purchasing a product, we have to be very sensitive to the importance of maintaining the capacity of an individual to get redress in the court system. I say that in reference to the tobacco bill coming at us in an action that I think is absolutely inexplicable from the standpoint of maintaining a disciplined marketplace and from the standpoint of protecting individuals, which grants to the tobacco companies of this country—and internationally for that matter—protection from lawsuits where they have harmed individuals.

Why is this so outrageous, such an act of incomprehensibility from my standpoint? Because the product we are talking about here—tobacco—has three characteristics.

First, we know that it kills people, and the tobacco companies that produced it knew and know that it kills people.

Second, we know that it is an addictive product, and the tobacco companies that produced it knew it was addictive and, in fact, structured the product in such a way by putting a certain amount of nicotine into it, that they produced an even more addictive product than had they simply gone forward with pure tobacco.

Third, the tobacco companies intentionally, purposefully, with the idea that they would create a larger marketplace, targeted the sale of their product on children.

So we have a product that kills people, and the manufacturer of that product knew it; we have a product that was addictive, and the manufacturer of that product created it so that it would be addictive and knew it was; and we have a product where the companies that produced that product targeted children to try to produce a larger marketplace and a lifetime user once they get that child addicted—knowing that it would kill the children as they grew older. Knowing that.

And we have picked this product, with those three incredible characteristics that are applied to the tobacco industry, to be the first product to receive major protection—or we may pick this product. Hopefully, we won't. The bill coming before us chooses this product to be the first product to receive major product liability protection—to say to the companies that have produced this product that kills people, is addictive, and was targeted on kids: you will not have to pay the full cost of the harm you have created because the U.S. Congress is going to protect you, the tobacco industry, from the liability that the marketplace would force on you were we to go directly to the capitalist system which has dominated our country for over 200 years.

It is an absolute outrage that we are considering pursuing this course of action as a Congress.

Equally significant, I think, is the fact that we are doing this in a manner where we are claiming that we are actually harming the tobacco companies. This argument is being made in the marketplace of ideas around here that this tobacco bill is somehow, in some way, an attack on big tobacco, when with the immunity language in it, it is just the opposite—it is a protective blanket. It is an iron curtain of protection for big tobacco. And it is ironic that we put this immunity language on the table at the same time the tobacco companies have said they no longer will participate in the development of this settlement.

This immunity language was originally designed because we said if we didn't have immunity—or somebody said it; I didn't say it—it was said that if immunity did not exist for the tobacco industry, the tobacco industry would not come to the table and limit its advertising directed specifically at children. Now the tobacco industry has said: The heck with you guys. We don't like the bill, we are walking out, and we will have no more to do with this. So you don't limit us in any way on our advertising. And still we go forward with a bill that gives them immunity.

And for the immunity, what do we get? A tobacco industry that has walked away from the table. To begin with, we made a deal with the devil—or somebody made a deal with the devil. Now the devil has walked away from the table, and we find that this Congress is thinking about following the devil on its knees and saying: Please, Mr. Devil, take immunity, take it; we want to throw it at you even if you won't give us anything for it.

It is beyond comprehension that we are considering pursuing this course of action, but we appear to be considering that. I just wanted to highlight that at this point because I think the debate has gotten a little topsy-turvy. It is a little topsy-turvy when a bill is giving, for the first time in the history of our Nation, and in the jurisprudence history of our Nation, product liability protection of immense value to an industry that has produced a product that is inherently deadly and is addictive and is targeted on kids—the first time we are going to do that, and that bill is, for some reason, perceived as being antitobacco. It is not antitobacco. It is actually very protobacco.

Let's remember something else here as we think about this. We don't give this type of protection out easily around here. It took 6 years, I think it was—maybe longer—for us to give just a narrow little amount of protection to the airplane manufacturing industry for small planes because our airplane industry had been wiped out for small planes and nobody could buy a small plane made in the United States back in the mid-1980s. The whole industry had been wiped out by product liability litigation. So we put a little sliver of

protection in order to resurrect that industry.

That industry does not produce an inherently deadly product that is addictive and that is targeted on kids. It took us 6 years to produce that little sliver of production. That is the only product liability protection passed by this Congress since I have been here. We don't give product liability protection to the doctor who develops and creates a new valve for somebody's heart which gives that person an extra amount of life, or a new hip design that allows a person to have the freedom to walk again. We don't give any protection to those individuals. If those valves don't work and regrettably a patient is harmed, there is a lawsuit, and there is recovery. We don't give any protection to innumerable, hundreds, thousands, tens of thousands of products that are lifesaving products that are produced for the purposes of bettering the life of an American citizen, or citizens around this world, whether it is a drug product, whether it is a medical device product, or whether it just happens to be an automobile. We don't give any product liability protection. But the first product liability protection we are going to give, if we pass this bill, will be to an industry that is producing and that has produced a product that for years—maybe generations even—it knew was deadly, it knew was addictive, and at least in the last 10 or 20 years it has targeted on kids for sale. It is beyond comprehension that we would consider doing that.

As we move forward in this bill, I certainly hope that we will reconsider that proposal, because what are we getting for that immunity protection? Absolutely nothing. The tobacco companies walked away from the table. We have gotten nothing. And I hope that we would reconsider that.

There will be a lot of talk about the fact, well, there is protection. It isn't really protection because there is a \$6 billion, \$8 billion—we don't know. We haven't seen the final language. The language is being written right now. It is being shifted around—I note for the press that might be listening, if there is any listening—shifting the language all around this bill, because it will be very difficult to target the immunity language in this bill. They are intentionally trying to make it procedurally very difficult to go after this language. But they keep shifting the numbers around, too. But the number is almost irrelevant because you are dealing with an industry that has the capacity to produce the profit to pick up the number. You would have to put out a fairly astronomical level to have any significant impact on the profitability over the long term of this industry.

You are giving this industry, as long as you give them immunity, the right to go out in the marketplace and sell this product and target it on kids. That is what you are doing. You are giving them the right to sell a product that

kills kids, kills people, is addictive, and is targeted on kids. It is just absolutely inexcusable that we would consider doing this.

I certainly hope to be able to offer amendments that strip this out of the bill. It will be difficult because there are a lot of parliamentary games going on around here right now. But it would be my hope that we could accomplish that.

Mr. President, I yield such time as I may have.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### AMERICAN COMPETITIVENESS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1723, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1723) to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

The Senate proceeded to consider of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. I ask unanimous consent to speak in morning business.

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

Mrs. FEINSTEIN. Mr. President, I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the submission of S. Con. Res. 97 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

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

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

Mr. ABRAHAM. Mr. President, as we begin debate on S. 1723, I would like to begin by yielding to the Senator from California for purposes of making a unanimous consent request.

The PRESIDING OFFICER. Under the previous order, there will be now 2

hours of general debate on the bill equally divided and controlled.

The Senator from California.  
Mrs. FEINSTEIN. I thank the Chair. I thank the Senator.

#### PRIVILEGE OF THE FLOOR

Mrs. FEINSTEIN. I ask unanimous consent that Sandra Shipshock, a State Department fellow with Senator KENNEDY's staff, be given floor privileges for consideration of this bill.

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

Mr. ABRAHAM addressed the Chair.  
The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I thank the Chair.  
(At the request of Mr. ABRAHAM, the following statement was ordered to be printed in the RECORD.)

• Mr. HATCH. Mr. President, the Senate is today considering The American Competitiveness Act of 1998, a modest, balanced, and critical change in our immigration laws.

The bill does three very important things: (1) it raises the limit on the annual number of temporary visas allowed for highly skilled foreign born professionals for a five-year period; (2) it increases enforcement and penalties to ensure the program works as intended; and (3) it increases the opportunities for American students and workers to fill the shortage of skilled high tech workers.

As we approach the 21st century, Mr. President, we face a critical challenge with respect to our workforce. The challenge concerns whether and how America's businesses and America's educational institutions are preparing the potential workforce for the 21st century.

It is estimated that about ten percent of this country's current information technology jobs are vacant and that this critical shortage of programmers, systems analysts, and computer engineers will increase significantly in the next decade.

In few places is this shortage more acute than in my own state of Utah where the high tech industry grew by 12 percent in 1996 and where our 1,900 high tech companies plan to add almost 20,000 jobs annually in the next three years. The primary potential impediment to our state's growth is the shortage of skilled workers.

Frankly, as I see it, we are only facing a real crisis if we fail to respond. For now I view it as an opportunity and a challenge; perhaps the greatest challenge of the next century. This challenge is to match the needs of high tech employers with the preparedness of and opportunities for the American worker.

Meeting this challenge effectively will demand the attention and commitment of businesses large and small; of our educational system at every level; of government, principally at the state and local level; and of parents and students as well. All of these entities must be working in partnership.

Just weeks ago, Mr. President, a new comprehensive international study

listed American high school seniors as among the industrial world's least prepared in mathematics and science. Further, in advanced subjects like physics and advanced math not one of the countries involved scored lower than the U.S. If we ever needed a wake-up call, this is it.

It is in everyone's individual interests, as well as in the overall interests of this country, to enter the next century with a well-trained workforce that will help keep American companies competitive in the global economy.

Admittedly, as the grandparent of 17 young children who will be entering the workforce in the next century, I am enthusiastic that technology has opened so many tremendous opportunities. It remains clear that human capital is still the greatest asset this country has. Without human know-how, the most sophisticated of computers is just a dumb machine.

Given that, there is no reason for any individual in our society who is willing to work should be left behind—not women, minorities, or the disabled. Responding aggressively and intelligently to the need to educate, train, and retrain the potential pool of high tech workers in the next century is the kind of affirmative action that can ensure that all individuals have the opportunity to work hard and prosper in the next century.

It is, however, an unfortunate reality that this kind of long term solution is insufficient to meet our most immediate needs. Thus, this legislation focuses on a limited short-term measure to raise the annual cap, currently at 65,000, for temporary visas for highly skilled workers. Notably, the cap for this year was reached last week!

Mr. President, as I understand it, critics of this legislation have focused on two arguments. First, some argue that there is no real shortage in high tech workers. While this will be addressed in more detail in due course, let me just say that I think any member with doubts over which bureaucratic study to believe ought to check the help wanted ads in their Sunday home town papers. I think those long list of job vacancies for computer and engineering jobs tell the story.

Further, critics argue that in exchange for this modest, five year increase in temporary visas, we need vast new bureaucratic requirements to protect American workers.

Mr. President, we will debate this question in more detail later, but let me respond briefly now.

First, I think the record is pretty clear that the temporary use of a limited amount of foreign talent—many of whom have attended U.S. universities and graduate schools—creates more, not fewer jobs for Americans. It also insures that American employers do not move to other countries with more and cheaper labor.

Second, there are already important limits in the law to make sure this program is not abused and that these visas