Case Number: 2017-0364-F

FOIA MARKER

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Folder Title:
Japan Trade

Staff Office-Individual:
National Economic Council-Tyson, Laura

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Withdrawal/Redaction Sheet
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	To: Laura Tyson and Dan Tarullo; From: Malcolm Lee; Re: NEC Principals Meeting on Japan Economic Issues (3 pages)	07/26/1996	P1/b(1)
001b. memo	To: Anthony Lake and Laura Tyson; From: Malcolm Lee; Re: Response to Prime Minister Hashimoto's July 23 Letter (2 pages)	07/25/1996	P1/b(1)
001c. memo	To: POTUS; From: Anthony Lake, Laura Tyson; Re: Response to Prime Minister Hashimoto's July 23 Letter (3 pages)	00/00/0000	P1/b(1)
001d. letter	To: The Honorable Ryu Hashimoto, Prime Minister - Tokyo, Japan; From: POTUS (3 pages)	00/00/0000	P1/b(1)
001e. letter	To: POTUS; From: Ryutaro Hashimoto, The Prime Minister of Japan [English Translation] (5 pages)	07/23/1996	P1/b(1)
002. letter	Copy of 001b with annotations (2 pages)	07/25/1996	P1/b(1)
003. memo	Copy of 001c (3 pages)	00/00/0000	P1/b(1)
004. letter	Copy of 001d (3 pages)	00/00/0000	P1/b(1)
005. letter	Copy of 001e (5 pages)	07/23/1996	P1/b(1)
006. letter	To: Ambassador Ira Shapiro; From: Yoshihiro Sakamoto (2 pages)	07/25/1996	P1/b(1)
007. note	Handwritten notes re: Hashimoto letter (1 page)	00/00/0000	P1/b(1)
008. letter	To: POTUS; From: Ryutaro Hashimoto, Prime Minister of Japan [English Translation] (4 pages)	07/29/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:

Japan Trade

2017-0364-F
sb1633

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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Withdrawal/Redaction Sheet
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009a. memo	To: Laura Tyson and Anthony Lake; From: Malcolm Lee; Re: Letter from President Clinton to Prime Minister Hashimoto (1 page)	06/22/1996	P1/b(1)
009b. memo	To: POTUS; From: Anthony Lake, Laura Tyson; Re: Letter to Prime Minister Hashimoto (2 pages)	00/00/0000	P1/b(1)
009c. letter	To: Ryutaro Hashimoto, Prime Minister of Japan; From: POTUS (2 pages)	00/00/0000	P1/b(1)

COLLECTION:

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National Economic Council
Tyson, Laura
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Divider Title: **1**

THE WHITE HOUSE

WASHINGTON

NEC PRINCIPALS MEETING ON JAPAN ECONOMIC ISSUES

July 26, 1996

There will be an NEC Principals Meeting on July 26 to discuss the status of several unresolved bilateral economic issues with Japan. Ambassador Barshefsky will review the state of negotiations on insurance and semiconductors as we approach the end of July deadline agreed to by President Clinton and Prime Minister Hashimoto. Secretary Pena will discuss the status of our civil aviation disputes with Japan.

The principals meeting will be held on Friday, July 26 at 5:00 PM in Room 231 OEOB. Please provide clearance information to Dena Weinstein at 456-5805.

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Divider Title: **2**

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Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	To: Laura Tyson and Dan Tarullo; From: Malcolm Lee; Re: NEC Principals Meeting on Japan Economic Issues (3 pages)	07/26/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:

Japan Trade

2017-0364-F
sb1633

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. memo	To: Anthony Lake and Laura Tyson; From: Malcolm Lee; Re: Response to Prime Minister Hashimoto's July 23 Letter (2 pages)	07/25/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:

Japan Trade

2017-0364-F
sb1633

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001c. memo	To: POTUS; From: Anthony Lake, Laura Tyson; Re: Response to Prime Minister Hashimoto's July 23 Letter (3 pages)	00/00/0000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:

Japan Trade

2017-0364-F
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Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001d. letter	To: The Honorable Ryu Hashimoto, Prime Minister - Tokyo, Japan; From: POTUS (3 pages)	00/00/0000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:

Japan Trade

2017-0364-F
sb1633

RESTRICTION CODES

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Clinton Presidential Records
Digital Records Marker

Divider Title: **3**

5115

EMBASSY OF JAPAN
WASHINGTON, D. C.

July 23, 1996

Dear President Clinton,

I have the honor to transmit to you, enclosed herewith, a message from Ryutaro Hashimoto, Prime Minister of Japan.

Sincerely,

Kunihiko Saito
Ambassador of Japan

His Excellency
William J. Clinton
President of the United States
The White House
Washington, D.C. 20500

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001e. letter	To: POTUS; From: Ryutaro Hashimoto, The Prime Minister of Japan [English Translation] (5 pages)	07/23/1996	P1/b(1)

COLLECTION:
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Divider Title: 4

TALKING POINTS: RECENT U.S. TRADE PERFORMANCE FOR AMBASSADOR CHARLENE BARSHEFSKY

--**U.S. goods exports** rose by 14.6% to a record $576 billion **in 1995**. This is the fastest growth in exports in seven years [in 1988, goods exports were up 26.9%]. The **$73** billion dollar increase in 1995 was the biggest dollar increase ever.

--**Manufactured exports** grew by 12.7% in 1995 to a level of $486 billion. **Exports of advanced technology products** (a sub part of manufactured exports) grew even faster than manufactured exports overall. They were up 14% to $138 billion. The U.S. enjoyed a trade surplus of $13.3 billion in advanced technology products last year. After several years of moderate to no growth, **U.S. agricultural exports** surged by 22% to $56 billion in 1995.

--The growth rate of **U.S. goods imports,** at 12.1%, was slower than that of exports in 1995 for the first time since 1991. The goods trade deficit, however, rose to $173 billion in 1995, up $7 billion or 4% from 1994.

--The movement toward faster growth of U.S. exports than imports which developed in 1995 appears to be continuing **this year (1996)** as well. For the first 5 months of this year -- the most current data available -- U.S. goods exports were up by 7.8% compared to the same period of 1995, while U.S imports were up by 5.3%.

--**The goods trade deficit itself appears likely now to have stabilized and perhaps begun to decline.** After peaking in the second quarter of 1995, the deficit dropped by 11% in the 3rd quarter and by 10.6 % in the 4th quarter. The 1995 deficit set a record in dollar terms. However, at 2.2% of GDP, last year's trade deficit was one-third lower than the previous peak in 1987 of 3.2%. In the first 5 months of 1996, the goods trade deficit was lower (2.3%) than in the corresponding period of 1995 (although the deficit in the opening months of 1996 is running higher the closing months of 1995).

--On the **broader goods and services basis,** exports were up 12.6% to a record $786 billion in 1995. Imports rose by 11.1%. The goods and services deficit, at $105 billion, reflected a U.S. surplus in services trade of $68 billion. In 1995, the deficit was up barely at all (0.7%) from 1994's level of $105 billion. The goods and services deficit represented 1.5% of GDP, less than one-half the previous 1987 peak deficit of 3.3% of GDP. In the first 5 months of 1996, however, the cumulative goods and service deficit is 11.6% below the deficit for the corresponding period of 1995 ($44.8 billion versus $50.7 billion), thanks in part to strong export growth.

--Due to strong export growth, **U.S. jobs supported by goods and services** exports are estimated to have risen by more than 600,000 in 1995 to 11 million. Since the beginning of the Administration, jobs supported by exports have risen by 1.1 million, based on a 27% increase in U.S. exports of goods and services in the period 1992 to 1995. And, of course, exports have continued this strong growth so far this year was well.

--Vis a vis **Japan** in 1995 U.S. goods exports, with a 20% increase of $64 billion, grew five times faster than U.S. imports from Japan (4%). As a result the deficit with Japan fell by 10% from $66 billion in 1994 to $59 billion in 1995. This is the first time the deficit with Japan has fallen in 5 years [since 1990]. These trends continued in the first 5 months of 1996 (exports up 13.3% from a year earlier; imports actually down by 8.8% and the cumulative trade deficit 30% less than in the first 5 months of 1995). U.S. exports of **motor vehicles to Japan** surged by 55% in 1995 (to $3.2 billion), and the U.S. trade deficit in vehicles and parts declined by $4 billion (to $33.3 billion), accounting for nearly two-thirds of the overall reduction in the trade deficit with Japan. In the first 5 months of 1996, vehicle exports are up 28% from a year earlier and the trade deficit in vehicles and parts is down by 24%.

--Also on the positive side, the U.S. goods trade surplus with **Latin America, excluding Mexico,** rose from $3 billion in 1994 to $8 billion in 1995. U.S. exports to the region grew by 20%. [The surplus continued in 1996, though at levels far below that of early 1995.] The trade deficit with the **Pacific Rim, excluding Japan and China** declined from $18 billion in 1994 to $15 billion in 1995 (though it is back up again in early 1996). U.S. exports grew by 23% in 1995. With the **EU-15,** the U.S. deficit declined from $12 billion in 1994 to $8 billion 1996 (though it is back up somewhat in early 1996). U.S. exports grew by 14.7% in 1995, despite sluggish growth in the European economy.

--Offsetting the 1995 balance improvements were deficit increases elsewhere in the world. With **Mexico,** suffering from recession and international liquidity problems, the U.S. goods trade balance moved from a 1994 surplus of $1.4 billion to a 1995 deficit of $15 billion, more than accounting for the entire deterioration of the U.S. goods trade balance last year. Exports fell by 9% -- a decline whose size was limited by Mexico's NAFTA obligations. In 1981-83, the period of the previous peso crisis, U.S. exports fell by 50%. Early evidence in 1996 suggests, in fact, that as the Mexican economy has stablized, the U.S. export decline may be coming to an end. In the first 5 months of 1996 U.S. exports to Mexico were 18% higher than a year earlier. This represents somewhat faster growth than 16% rise in imports from Mexico in 1996's first 5 months.

--The U.S. goods deficit with **Canada** increased by $4 billion to $18 billion in 1995 (though even here U.S. exports increased by 11% last year.) The goods deficit with **China** increased by $4 billion to $34 billion in 1995. One hopeful sign with China, however, was that the growth rates of goods exports (27% to $11.8 billion) exceeded that of goods imports (17% to $45.5 billion) for the first time in many years. [However in 1996's first 5 months, exports were up 5.3% from a year earlier while imports were up 6.8% and the deficit was up 7.3%, or another $2.5 billion on annulaized basis.]

D.Walters/USTR/7/22/96 (revised)

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002. letter	Copy of 001b with annotations (2 pages)	07/25/1996	P1/b(1)

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National Economic Council
Tyson, Laura
OA/Box Number: CF 717

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EMBASSY OF JAPAN
WASHINGTON, D. C.

July 23, 1996

Dear President Clinton,

I have the honor to transmit to you, enclosed herewith, a message from Ryutaro Hashimoto, Prime Minister of Japan.

Sincerely,

Kunihiko Saito
Ambassador of Japan

His Excellency
William J. Clinton
President of the United States
The White House
Washington, D.C. 20500

Withdrawal/Redaction Marker
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. letter	Copy of 001e (5 pages)	07/23/1996	P1/b(1)

COLLECTION:
Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:
Japan Trade

2017-0364-F
sb1633

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. letter	To: Ambassador Ira Shapiro; From: Yoshihiro Sakamoto (2 pages)	07/25/1996	P1/b(1)

COLLECTION:
Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:
Japan Trade

2017-0364-F
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US / Japan trade

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. note	Handwritten notes re: Hashimoto letter (1 page)	00/00/0000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:

Japan Trade

2017-0364-F
sb1633

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EMBASSY OF JAPAN
WASHINGTON, D. C.

July 29, 1996

Dear President Clinton,

I have the honor to transmit to you, enclosed herewith, a message from Ryutaro Hashimoto, Prime Minister of Japan.

Sincerely,

Kunihiko Saito
Ambassador of Japan

His Excellency
William J. Clinton
President of the United States
The White House
Washington, D.C. 20500

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Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. letter	To: POTUS; From: Ryutaro Hashimoto, Prime Minister of Japan [English Translation] (4 pages)	07/29/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009a. memo	To: Laura Tyson and Anthony Lake; From: Malcolm Lee; Re: Letter from President Clinton to Prime Minister Hashimoto (1 page)	06/22/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:

Japan Trade

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009b. memo	To: POTUS; From: Anthony Lake, Laura Tyson; Re: Letter to Prime Minister Hashimoto (2 pages)	00/00/0000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:

Japan Trade

2017-0364-F
sb1633

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009c. letter	To: Ryutaro Hashimoto, Prime Minister of Japan; From: POTUS (2 pages)	00/00/0000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Economic Council
Tyson, Laura
OA/Box Number: CF 717

FOLDER TITLE:

Japan Trade

2017-0364-F
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Date: ______

THE WHITE HOUSE

National Economic Council

_TO:_ Laura Tyson

PHONE: ______

FAX: 62878

FROM: **_Chris Dorval_**

PHONE: **_202-456-2800_**

FAX: **_202-456-2223_**

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Japan trade

Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, MONDAY, APRIL 29, 1996 No. 56

Senate

The Senate met at 11:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, Sovereign of this Nation, we praise You for Your amazing grace. Your unlimited love casts out fear. Your unqualified forgiveness heals our memories. Your undeserved faithfulness gives us courage. Your unfailing guidance gives us clear direction. Your presence banishes our anxieties. You know our needs before we ask You and Your spirit gives us the boldness to ask for what You are ready to give. You give us discernment of the needs of others so we can be servant leaders. Your love for us frees us to love, forgive, uplift, and encourage the people around us. We commit this day to be one in which we are initiative communicators of Your grace. We open ourselves to the infilling of Your spirit. Lead on, Gracious God; we are ready for a great day filled with grace. In the name of the Mighty Mediator. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, there will be a period for morning business until the hour of 2:30. Senator DASCHLE will be in control of the first 90 minutes, Senator COVERDELL, the last 90 minutes. At 2:30 we will resume consideration of S. 1664, the immigration bill. By a previous order, a cloture vote will occur at the hour of 5 p.m. today on the Simpson amendment to the immigration bill. If additional votes are ordered with respect to amendments to the immigration bill, it is possible those votes would be stacked to occur during Tuesday's session but they could occur this evening.

I remind Senators we have until 4 o'clock to file second-degree amendments to the Simpson amendment.

Mr. President, is leaders' time reserved?

The PRESIDING OFFICER (Mr. BENNETT). Leaders' time is reserved.

JAPAN TRADE POLICY

Mr. DOLE. Mr. President, first I would like to speak briefly on Japanese trade and the President's recent trip to Japan.

Mr. President, we must now declare President Clinton's trade policy with Japan a spectacular failure, a fiasco.

The capstone of this almost unbelievable 3-year fiasco occurred recently. The White House has an electronic home-page on the Internet, where Americans can go for the latest statement of administration policy on any issue. Recently, Americans reading the official White House electronic home-page on the Internet would have found documents describing the United States-Japan trade policy. But it was a description that no one would have recognized. The documents described in glowing detail how all disputes between the two countries had been resolved, how there was no longer any need for any of the agreements that had been reached between the United States and Japan, and how the United States should just drop its complaints against Japan.

Mr. President, a closer look revealed that these documents on the White House home-page had been written by the Japanese Foreign Ministry.

I understand the Japanese materials have now been deleted.

I guess that just about sums up the Clinton record on trade. This is the point we have reached—the most powerful economic force in history, the United States of America—after 3½ years of stewardship by Bill Clinton and his advisers, and it is the Japanese who are writing the trade policy papers for the Clinton White House.

Mr. President, this is a sad, and dangerous, state of affairs. Yet it is merely the logical conclusion of a trade policy that has emphasized appearance over reality, talk over substance, and politics over national interest.

President Clinton returned a few days ago from a trip overseas that included a stop in Japan. Every American probably expected that this trip would shed at least a little additional light on the question of trade with Japan. After all, President Clinton and his advisers never tired of talking about their grand plan to deal with Japan. Last year, Clinton took this country to the brink of a trade war with Japan. Most people reasonably anticipated some progress, or at least discussion, of some of our massive trade problems with Japan.

But that is not what happened. It now appears that Clinton did virtually nothing to raise any of these serious problems. This trip might have been the best opportunity in years for the American Chief Executive to raise—at the highest level—issues that mean real jobs in towns and communities across America. Issues that mean economic growth and a higher standard of living for Americans. Clinton's trip might have been the best opportunity in years to fix a serious and destabilizing problem—the massive trade deficit with Japan—and President Clinton squandered it.

Most Americans probably would simply find this hard to believe. Most Americans are charitable, they want to believe the best about people, especially their President. They do not want to think that he would so profoundly misunderstand the opportunity

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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that presented itself to help America and working people at home.

Yet, this is the hallmark of the Clinton trade policy. Actual substantive achievement means nothing—only appearances matter. For example, how else was it possible for Clinton to declare victory in the auto dispute with Japan when all the evidence showed nothing less than a full retreat and surrender to the Japanese?

In the auto dispute, President Clinton went to the brink of a trade war with Japan, but came away with almost nothing to show for it. When the so-called agreement was reached last July, high-level Japanese officials immediately and publicly disavowed the import targets that President Clinton hailed as his great achievement. It turns out those numbers were simply not part of the agreement. The agreement was just another political publicity stunt, designed to convey the appearance of toughness. Unfortunately, creating this appearance for Clinton and his advisers cost the United States much credibility with Japan, not to mention with other countries looking for instruction on how to deal with American demands on future trade issues.

The consequence of this massive retreat by the Clinton administration was serious and damaging for American companies and American jobs. The Japanese quickly realized that they had been dealing with a paper tiger. Suddenly, on all other fronts, negotiations with Japan came to a halt. U.S overtures even to begin a dialog on other issues were rebuffed. United States trade negotiators were told by their Japanese counterparts to find some other agency to address their complaints. This mocking of U.S. officials by a major trading partner is unprecedented—and prior to the Clinton years would have been inconceivable.

And so, Mr. President, it is easier to understand why serious trade disputes with Japan were ignored by Clinton during his summit with Mr. Hashimoto. Clinton brought back nothing on the dispute over Japanese discrimination against Kodak film. He brought back nothing on the dispute over access to Japan for American semiconductors, one of our most competitive industries. Clinton brought back nothing on the dispute over access to the Japanese market for American insurance companies, another industry where the United States has a strong competitive advantage.

Mr. President, how can people put all of this in perspective? There is one simple way to express the damage to America of Clinton's botched trade policy. I believe the American people would be astonished to know that today, the United States trade deficit with Japan is higher than it was when Clinton took office. That is right, it is higher. The merchandise trade deficit with Japan is now a staggering $60 billion—this is $10 billion higher than when Clinton became President.

Furthermore, figures were released last week showing that the trade deficit with Japan continues to climb, growing over $100 million from January to February of this year.

Candidate Clinton talked a lot about trade deficits. He knew that trade deficits siphon our wealth and our jobs, to other countries. The giant trade deficit with Japan constitutes a massive transfer of wealth out of American communities into the hands of the Japanese. Under President Clinton, our trade deficit with Japan has gone up. Clinton has presided over the highest trade deficits with Japan in history. In fact, another shocking achievement of the short Clinton era is that the U.S. trade deficit with the world also hit a record high. He has ignored, or sought to divert attention from, these harmful acts. He has done nothing to reverse it, change it or improve it. Oh, yes, he has done plenty of talking, but he has done nothing to save the jobs that continue to be in danger.

I believe the American people deserve to know about President Clinton's failed trade policy. The American people need to know about his new policy of camouflaging the truth. I hope that he will abandon this new policy that only seeks to hide his failures. Too many important decisions lie ahead for President Clinton to continue to substitute appearances for reality.

TRIBUTE TO JERRY ROBERTSON

Mr. DOLE. Mr. President, I rise today to pay tribute to a Kansan who passed away recently. Jerry Robertson was the president of the Topeka YMCA and leader of the revitalization of downtown Topeka, KS.

Jerry Robertson was a 1965 graduate of my alma mater, Washburn University, and symbolized everything that the YMCA stands for, the Christian service to the community, respect for God and the commitment to serving everyone in Topeka and Shawnee County.

Prior to being president of the YMCA, Jerry headed the athletic department of Washburn University when Washburn won the N.A.I.A. national championship in basketball, and was a star baseball pitcher in the major leagues.

Jerry dedicated many years of his life to the YMCA and to the growth of the Topeka economy and, although I did not know him personally, I am told that his sudden passing will leave a great void that will be difficult to fill.

Mr. President, I know all my colleagues join me in sending our most heartfelt sympathies to Jerry's wife, Carol, and their two sons, Jeff and Jason.

CLINTON JUDGES UPDATE

Mr. DOLE. Mr. President, as the American people know all too well, Federal judges can play an enormous role in our daily lives. Through their

ruling . Federal judges help determ
whethe r criminals walk the streets
stay be hind bars; whether racial quo
or me it govern in hiring decisio
whethe r businesses can function, pr
per, an l create jobs without being s
ject to baseless litigation; and whet
parent can control the content
their c hildren's education.

Toda y, Federal judges microman
school . hospitals, fire and police
partme nts, even prisons. According
one e timate, a staggering th
fourth of all State prisons and o
third c f the 500 largest jails are un
some orm of Federal court su
vision.

One notorious example of judge-
ing-as- legislator is Carl Muecke,
pointed to the Federal bench by Pr
dent J ohnson. Judge Muecke has
come t he de facto administrator of
Arizon State Prison System.

In a textbook example of judicial
tivism run amok, Judge Muecke
declare l that Arizona prison libra
must b open at least 50 hours e
week, that the State of Arizona m
grant each of its 22,000 prisoners
opportu nity to make at least three
minute phone calls every week to
attorne y; that Arizona must pro
lengthy legal research classes to
mates; and that Arizona prison
cials m ust give each indigent inma
pen an 1 pencil, 10 sheets of ty
paper, legal pad, and 4 envelopes u
request.

Not s urprisingly, Arizona's atto
general Grant Woods, has challe
the jud ge's misguided rulings, app
ing all the way up to the Supr
Court. Unbelievably, Attorney Gen
Woods has found himself at odds wi
powerf l adversary: the Clinton adm
istratio n. In a friend of the court b
filed wi h the Supreme Court, the C
ton adm inistration's top lawyer—S
itor Ge eral Drew Days—sided not
Attorne y General Woods and the
payers of Arizona but with J
Muecke and the State's litigious
mates.

Let's put this in perspective: w
the Ju stice Department should
workin overtime to save the
payers money by reducing the nu
of frivo ous inmate lawsuits, the C
ton adm inistration—through its
yers—is actually contributing to
litigati n explosion.

In oth er cases, the Solicitor Gen
has sho n that being tough on crim
apparen ly not part of his justice
partme t portfolio. In the now-fa
Knox ca se, the Solicitor General's
fice act ally argued for a weakenin
our Fed ral laws against child por
raphy. And in another case—Un
States ersus Hamrick—the Solic
General s office decided not to see
rehearir g of a fourth circuit ru
overturn ing the conviction of some
who ma led a defective letter bomb
a U.S. a torney. Since the letter bo
failed to detonate—although
scorche the packaging in which it
been m ailed—a fourth circuit p

OVERALL TRADE POLICY

Charge: Dole has called the Clinton Administration's trade policy a "specta :ı lar failure, a fiasco."

Response: The Clinton Administration has laid the groundwork for an expl is on of U.S. exports that has created over one million jobs here at home.

Our trade policies should be judged by their success at promoting U.S. ex x rts. By that measure they are a resounding success.

The United States is the world's largest exporter. American exports have gr wn by 31 percent in three years, and 14 percent in 1995 alone. We have turned an importa it corner: for the first time in years, our exports are growing faster than our imports -- 14 percent ei sus 12 percent. And our exports are more diversified than ever -- from manufacturing g c is to high tech to services to agricultural products.

The United States is also the most competitive nation in the world. A maj r international study by the World Economic Forum has placed the United States as the most ec n mically competitive nation in the world for two years in a row. From semiconductors to u os to agriculture to services, the U.S. is in the lead.

- *The United States has overtaken Japan as the world's Number One prod c r of automobiles for two years in a row -- for the first time since the 1970's.*

- *U.S. aircraft industry dominates the world market -- supplying 65 percen c f Asia's imports.*

- *Agriculture exports surged by 22 percent in 1995 to $56 billion, with all- in e highs in poultry, pork, wheat and cotton. U.S. farmers and related industry creat d z trade surplus of approximately $27 billion in 1995 -- the largest surplus since 9. 2.*

- *The United States is once again the world's Number One producer of sen ic nductors, surpassing Japan. Semiconductor exports have grown 113 percent since th e beginning of the Clinton Administration and 35 percent in 1995 alone, to $34 billio ı.*

TOO LENIENT WITH JAPAN?

Charge: Dole claims that the President has been too lenient with Japan.

Response: For a generation, American Presidents have unsuccessfully tried to crack open the Japanese market. President Clinton has succeeded.

The Clinton Administration stood up to Japan and opened markets for U.S. goods and services -- accomplishing what his predecessors could not do. And the results are clear:

- *Total U.S. exports to Japan are up 34 percent since 1993, reaching a record $64 billion in 1995 and supporting over 800,000 American jobs.*

- *The Clinton Administration has reached 21 agreements with Japan since 1993 covering a range of market sectors. In goods sectors covered by those agreements exports have grown more than 85 percent since 1993. Exports in these sectors have grown three times as fast as overall U.S. exports to Japan.*

- *U.S. exports to Japan have grown even faster than overall U.S. exports and over twice as fast as U.S. exports to Europe since the beginning of the Administration.*

While the Administration is encouraged by the initial results of these agreements, they must be effectively enforced, and other market access issues must be addressed. More progress is needed, and the Clinton Administration is committed to continuing to open the Japanese market to U.S. products.

The Administration has established an interagency enforcement team to make sure that the U.S.-Japan auto and auto parts agreement is implemented, and we are taking similar actions to enforce the other agreements. In addition, we are aggressively pushing forward to further open the Japanese market in other sectors that remain unacceptably closed to U.S. goods.

As a result of these TRIPs obligations, several trading partners amended their i te lectual property laws over the past year. These include Japan, Italy, Spain, Portugal, Sweden, F n and, Greece and Austria.

Another very significant event occurring within the past month was enactment c f modern patent law in Brazil. "This new law, once implemented, will help establish Brazil's lea e ship in the region in terms of the protection intellectual property rights, and will make Bra il more attractive location for technology-based investment," Barshefsky noted.

Other significant progress toward improving the protection of intellectual prope t worldwide is set out in the attached document entitled: Developments in Intellectual Propert R ghts. This progress included new laws, measures or commitments to improve copyright pr te ction in such trading partners as Bulgaria, the Czech Republic, Greece, Haiti, Hong Kong, In lia Korea, Latvia, Moldova, Panama, Peru, Romania, Turkey, the Ukraine, and Venezuela. In the in lustrial property area, progress along these same lines occurred in Bolivia, Colombia, th e Czech Republic, Japan, Panama, Peru, Singapore, Taiwan, Turkey, the UAE, and Venezuela.

WTO Dispute Settlement

On the occasion of the April 1995 special 301 announcement, USTR gave notic t its trading partners that it expected them to implement on schedule their obligations under he WTO, including the TRIPs Agreement. USTR has monitored closely such implementa io and has moved aggressively when a failure to implement has adversely affected U.S. eco o nic interests.

In this context, on February 9 USTR initiated WTO dispute settlement proceedi gs against Japan because of its failure to protect the rights of U.S. performing artists and produce s who recorded during a twenty-five year period from 1946 to 1971. Similarly, on March 11 US TR announced initiation of WTO dispute settlement proceedings against Canada because of disc rir inatory practices it has adopted to protect its domestic magazine industry.

Barshefsky today announced that she will, as a result of this year's Spe ia 301 review, initiate four additional WTO dispute settlement actions now or in the near future ag ainst Portugal, Turkey, India and Pakistan for their failure to fulfill certain IPR re ated WTO obligations. These actions will be conducted within the context of self-ir iti ted Section 301 investigations.

These actions can be summarized as follows:

Portugal -- Portuguese patent law does not comport with the TRIPs requ re nent that the term of a patent last from the date of grant until 20 years from the date it wa s filed. TRIPs also requires that this term apply to new patents and to those that re still in effect. Portugal has modified its law to provide a 20-year term to patents grante a ter June 1, 1995. Several U.S. companies have complained that they stand to lose si ni icant revenues if the longer TRIPs patent term is not applied to their existing p te ts. The

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USTR ANNOUNCES TWO DECISIONS: TITLE VII AND SPECIAL 301

Acting United States Trade Representative Charlene Barshefsky today announced decisions and initiated actions in two important areas: Special 301 -- protection of intellectual property rights -- and Title VII -- discrimination in foreign government procurement.

Today's decisions demonstrate the Administration's continued resolve to take strong measures to ensure comparable market access and intellectual property protection for U.S. products and to promote more open foreign procurement practices -- measures which are key to this Administration's policy of opening markets and creating opportunities for U.S. companies and jobs for U.S. workers.

Special 301

Accomplishments Over The Past Year

Ambassador Barshefsky noted the substantial progress made during this past year in improving intellectual property protection, including progress in countries whose practices have been major IPR concerns in the past.

The most important progress in intellectual property protection occurred within the World Trade Organization (WTO) Agreement on the Trade-Related Aspects of Intellectual Property Rights, commonly known as the TRIPs Agreement, which came fully into force for developed countries on January 1, 1996. This is a significant step forward in advancing the protection of intellectual property globally. Ambassador Barshefsky stated: "We now expect all developed countries to be in conformity with the obligations of the TRIPs Agreement. We also are working with all other trading partners to accelerate implementation of this Agreement. These are top priorities for this Administration." She continued: "We will be monitoring carefully as these obligations come into effect and will not hesitate to use the WTO's dispute settlement provisions if necessary to ensure full compliance."

TRADE DEFICIT WITH JAPAN

Charge: Dole asserted that the President has been too lenient in narrowing our trade deficit with Japan.

Response: The President has pursued a results-oriented strategy toward Japan that focuses on opening the Japanese market to U.S. goods and services and cutting our trade deficit with Japan.

Our trade policies should be judged by their success at promoting U.S. exports. By that measure they are a resounding success. Overall U.S. exports have grown by 31 percent in three years, and U.S. exports to Japan grew 34 percent since 1993 -- to a record $64 billion in 1995.

In 1995, U.S. exports to Japan grew five times as fast as U.S. imports from Japan As a result, the trade deficit with Japan declined 9.7% over 1994 – for the first time in five years -- by nearly 10 percent – and to its lowest level since 1992.

Furthermore, our exports to Japan have grown despite an ongoing Japanese recession. Over the course of the past few years, Japan's GDP growth has been negligible. Still Japanese consumers are buying scores of American products -- and the trade deficit is falling as a result.

Take the case of autos and auto parts. Since this Administration negotiated and signed a market-opening agreement with the Japanese on autos and auto parts last year, exports of U.S. autos and auto parts have grown by over 35%, totaling $3.8 billion in 1995. In 1995, 140,000 U.S.-made vehicles were exported to Japan, up nearly 40 percent over 1994.

- *Half of the improvement in the trade deficit with Japan was a result of autos: for the first time in a decade, U.S. auto exports to Japan increased by nearly 40 percent while imports fell.*

United States will initiate formal consultations under WTO dispute settl m ent procedures today in Geneva. We have very recently received new information from th : Government of Portugal that it may have modified its interpretation of the underlying T RIPs obligation. Dispute settlement proceedings will progress until we reach a satisfactor y resolution of this matter.

Pakistan -- Pakistan does not currently provide product patent protectic n for pharmaceutical or agricultural chemical products. Article 70(8) of TRIP; requires countries that do not provide patent protection for such products as of J an uary 1, 1995, to establish a so-called "mailbox" mechanism in which persons may file pat nt applications for these products, where they will be preserved until patent protection i provided. Accordingly, the United States will initiate formal consultations under th WTO today in Geneva.

Under this TRIPs provision, all applications filed in a country's mailbox m st be processed when full product patent protection is ultimately granted without regard to the time that has passed since they were filed in the mailbox. This ensures that applica tions filed after January 1, 1995, will be eligible for some term of protection if they other wise satisfy the conditions of patentability, even if the developing country is taking adva ta ge of the transition period permitted by the Agreement. TRIPs Article 70(9) addi io ally requires that products subject to mailbox applications be granted exclusive marke ing rights for up to five years during the transition period if a patent and marketing appro al is granted on the product in another WTO country and marketing approval is granted n the country providing marketing exclusivity.

India -- India fails to provide patent protection for pharmaceutical or agr cu ltural chemical products. It also has not legislatively established mailbox and marketing ex lusivity systems in accordance with Article 70(8) and 70(9) of the TRIPS Agree ne t. Therefore, the United States will initiate formal consultations under WTO dispute se ttl ement procedures in Geneva in the near future.

Turkey -- Turkey maintains a discriminatory "municipality" tax on box of ic revenues from the showing of foreign films, but not on box office revenues from t e showing of domestic films. This does not comply with Turkey's national treatment bli gations under Article III of the GATT. Accordingly, formal consultations under WTO dis pute settlement procedures will be invoked by the United States in Geneva in he near future.

Barshefsky stated that she will not hesitate to bring additional WTO cha le nges where appropriate.

Special 301 Decisions

Under the "special 301" provisions of the Trade Act of 1974, as amende d, Barshefsky today identified 35 trading partners that deny adequate and effective pr te tion of intellectual property or deny fair and equitable market access to United Sta tes persons that rely upon intellectual property protection. She listed an additional 19 tra in partners that will require monitoring.

In doing so, Barshefsky designated China as a "priority foreign country" under special 301 because of its failure to implement the 1995 intellectual property enforcement agreement. Economic damage to U.S. industries continues to rise as a result. Although China has made some progress in halting the retail trade in infringing goods, it has failed to stop illegal CD, video and CD-ROM production, to prevent the export of infringing goods, or to honor its promise to grant market access for legitimate audiovisual products. Because intellectual property enforcement problems in China are already the subject of an action under section 301, a new section 301 investigation will not be initiated. China's implementation of the 1995 agreement will remain subject to section 306 monitoring. Trade sanctions for noncompliance could be imposed pursuant to a decision by USTR that China is not satisfactorily implementing the 1995 agreement.

Barshefsky announced placement of eight trading partners on the special 301 "priority watch list." Two of these trading partners -- Argentina and Greece -- will be subject to review during the course of the year to evaluate progress made in the next several months. Other trading partners on the priority watch list include the European Union, India, Indonesia, Japan, Korea, and Turkey.

The USTR also announced placement of 26 trading partners on the special 301 "watch list," and that "out-of-cycle" reviews would be conducted with seven of these trading partners -- El Salvador, Italy, Paraguay, the Philippines, Russia, Saudi Arabia, and Thailand.

Finally, Ambassador Barshefsky noted growing concerns about IPR problems in five trading partners, and highlighted developments and expectations for further progress in 4 trading partners. Barshefsky will subject five of these trading partners, Bolivia, Bulgaria, South Africa, Taiwan, and Hong Kong, to review during the course of the year.

Details of Ambassador Barshefsky's special 301 decisions are provided in the attached Fact Sheet.

Title VII

Ambassador Barshefsky announced the identification of Germany under the 1988 Omnibus Trade and Competitiveness Act for its failure to adequately implement obligations under the 1993 U.S.-European Union (EU) Memorandum of Understanding (MOU). In making the announcement, Ambassador Barshefsky emphasized that the United States had given Germany every opportunity to ensure U.S. access to the German heavy electrical equipment market and establish a credible bid challenge system as required by the MOU, going so far as to limit action a year ago in the 1995 Title VII Report to expressing "substantial concern" with Germany's implementation of its international obligations. Since then, however, new developments indicate that the experiences of U.S. firms are not isolated cases and that a systemic problem exists, requiring a change in legislation or administrative measures. Identification triggers a 60-day period for consultations, and Ambassador Barshefsky confirmed that such consultations have already been requested of Germany, as required by Title VII. Ambassador Barshefsky noted that the United States "is ready to sit down with the German Government to resolve the issue and avoid further action under Title VII." She also emphasized, however, that "this is a procurement sector with a long history of discrimination against U.S. firms and we need more than a promise that problems won't recur in future procurements."

Ambassador Barshefsky indicated that the Administration made no other identifications in the 1996 Title VII Report but that the Report provides additional information on the Administration's initiatives to fight bribery and corruption in foreign procurement practices. Ambassador Barshefsky stated that the "Administration is out in front on this issue and is pressing other countries to come to grips with the trade distortions caused by bribery and corruption." In particular, the Report focuses on efforts in the WTO to launch negotiations on transparency, openness and due process in government procurement practices of all WTO Members. The Report also refers to Singapore, New Zealand and Chile as countries that have been aggressive in combating bribery and corruption in their government procurement.

Additionally, the Title VII Report provides information on procurement practices of Japan with respect to public works, supercomputers and computers; Australia with respect to information technology and telecommunications; Brazil with respect to telecommunications; and China for its across-the-board lack of transparency. Finally, the Report updates implementation of the WTO Government Procurement Agreement (GPA) and NAFTA Chapter 10.