

task of enforcing compliance with the treaty."

Mr. President, how about a few excerpts from the reports that the committee has issued? They provide a telling insight into the hearts and minds of the authors who wrote this treaty in the first place.

What do they propose? They propose global legalization of abortion. The treaty has been intended, from the very beginning, to be a vehicle for imposing abortion on countries that still protect the rights of the unborn. For example, this committee has instructed Ireland a country that restricts abortion, to "facilitate a national dialogue on \* \* \* the restrictive abortion laws" of Ireland and has declared in another report that under the CEDAW treaty "it is discriminatory for a [government] to refuse to legally provide for the performance of certain reproductive health services for women"—that is to say, abortion.

Another issue: Legalization of prostitution. In another report issued in February of, 1999, the CEDAW committee declared:

The committee recommends the decriminalization of prostitution.

They even called for the abolishment of Mother's Day. The CEDAW crowd has come out against Mother's Day—yes, Mother's Day. Earlier this year, the committee solemnly declared to Belarus its "concern [over] the continuing prevalence of \* \* \* such [stereotypical] symbols as a Mother's Day" and lectured Armenia on the need to "combat the traditional stereotype of women in 'the noble role of mother.'"

There are not enough kids in day care, they claim.

The committee informed Slovenia that too many Slovenian mothers were staying home to raise their children. What a bad thing for mothers to do—think of it—staying home with their children. This committee warned that because only 30 percent of children were in day-care centers, the other 70 percent were in grave danger of, not get this, "miss[ing] out on educational and social opportunities offered in formal day-care institutions."

Another thing, mandating women in combat. Boy, they are hot to trot on that. In a 1997 report, the CEDAW committee mandated that all countries adopting the treaty must ensure the "full participation" of women in the military, meaning that nations would be required to send women into combat even if the military chiefs decided that it was not in the national security interest of, for example, the United States of America.

This is the world that the advocates of this CEDAW treaty want to impose on America. That is why they are picketing my office right now, demanding the Senate Foreign Relations Committee consider this treaty and report it out to the Senate for approval.

I say to these women who are picketing my office: Dream on. If its au-

thors and implementers had their way, the United States, as a signatory to this treaty, would have to legalize prostitution, legalize abortion, eliminate what CEDAW regards as the preferable environment of institutional day care instead of children staying at home.

This treaty is not about opportunities for women. It is about denigrating motherhood and undermining the family. The treaty is designed to impose, by international fiat, a radical definition of "discrimination against women" that goes far beyond the protections already enshrined in the laws of the United States of America. That is why this treaty was publicly opposed in years past by, as I said earlier, Nancy Kassebaum and many others, who felt as I did then, and still do, that creating yet another set of unenforceable international standards would dilute, not strengthen, the human rights standards of women around the world.

We need only to look at the conditions of women living in countries that have ratified this treaty, countries such as Iran and Libya, to understand that Nancy Kassebaum was right in her opposition to the Treaty on the Elimination of All Forms of Discrimination Against Women. The fact is, the United States has led the world in advancing opportunities for women during the 20 years this treaty has been collecting dust in the Senate's archives. I suspect that America will continue to lead the way, while the CEDAW crowd and the treaty sits in the dustbin for a few more decades to come. If I have anything to do with it, that is precisely where it is going to remain.

I do not intend to be pushed around by discourteous, demanding women no matter how loud they shout or how much they are willing to violate every trace of civility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each until 3 p.m. today.

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

Mr. ENZI. Mr. President, several of us have comments that we wish to make on the Export Administration Act. Senator THOMPSON was waiting before I was, so I yield.

The PRESIDING OFFICER. The Senator from Tennessee.

#### THE EXPORT ADMINISTRATION ACT

Mr. THOMPSON. Mr. President, I thank Senator ENZI very much. I do wish to make a couple of comments in response to the chairman of the Banking Committee, the Senator from Texas.

First of all, I appreciate his taking the bill down and giving us an opportunity for further discussions and negotiations. Apparently, there are still some items on which some Members are trying to come together. I must say, and have said to my friends, Senator GRAMM and Senator ENZI, that my concern goes deeper than some of the details we are working on right now. Unless some very substantial changes can be made, which I do not anticipate, I could not support the bill. I will not be the one standing in the way of proceeding on the bill, but I reserve all my rights as we proceed and discuss it. It does need full discussion. It is a very serious matter. I am afraid it has not yet gotten the attention it deserves. We will have some amendments, hopefully, to improve the bill as we go along.

I agree with my friend from Texas that it is a different time. We are not in the cold war anymore. No one can put the technological genie back in the bottle. But our export policies have quite adequately taken that into consideration. In fact, many on this side of the aisle, people around the country, have been quite critical of this administration because of the liberality or the looseness of the export controls that we are operating under now, under Executive order. As we know, we have not had a reauthorization of the Export Administration Act since 1994. We have been operating basically on Executive orders. I personally feel the Executive orders we are operating under with regard to our export controls are too loose and need tightening.

We saw what happened with regard to the exporting of our satellite technology and the Hughes and Loral situation that is under investigation by the Justice Department right now, where we got the Chinese to send our satellites up in orbit but apparently in the process gave the Chinese some very sophisticated technology that would assist them with regard to their missile program. So Congress reacted to that.

The Commerce Department had, previous to that, transferred the jurisdiction of satellites from the State Department to Commerce. It was all under Commerce. We took a look at that and said that does not belong in Commerce. Commerce has a legitimate concern about trade and exports for sure, but that is not the only concern. When you are exporting materials that have national security significance, so-called dual-use items that might be militarily significant to countries that you do not want to be helping, then the State Department needs to be concerned, too. So Congress insisted that jurisdiction be brought out from Commerce and given back to the State Department.

We have also seen what the administration has done with regard to high-performance computers. They reassess the situation every 6 months. They are increasing the MTOPS level for the export of high-performance computers to

countries such as China and other third-tier countries at a very brisk rate. The MTOPS level has gone from 2,000 in 1996 to 12,500 for military, as we speak. The anticipation is that the MTOPS level will continue on apace very significantly.

Now we have an amendment this morning, as I understand it, that would cause that review to happen not only every 6 months but every 30 days. The Department of Commerce would be looking at our high-performance computers and whether or not we ought to reassess sending more computers, something that we have had the dominant position on throughout the world, something the Chinese, until recently, had no indigenous capability of developing. We continue to supply them. We take into consideration things such as the abilities of foreign countries.

My point is, the Department of Commerce is hardly being guarded as they establish their policies of exports as far as high-speed computers are concerned. Many people, including myself, are concerned that they go too far and too fast because we do not know what the Chinese, for example, are really doing with them. We are told they have clustered together computers of lower MTOPS levels and have come up with something much, much more significant than what, perhaps, we think they have.

We were told by the Cox commission that the Chinese are using our high-performance computers for their simulations for their nuclear program. We were told that they use our high-performance computers to assist them in their biological and cryptology programs.

The cold war is over, and the last time we reauthorized this act, Jimmy Carter was in the White House. Indeed, the cold war has come and gone, but we have new challenges on the horizon. We do not have the old Soviet Union anymore, but we do have the Chinese who, the Rumsfeld commission tells us and the Cox commission in great detail explains to us, are very aggressively attempting to get their hands on our technology.

We know about the situation in Los Alamos. We know about their endeavors, as far as their commercial enterprises around the country. They tell us, in addition to that, they are feeding off our technology that we are exporting to them to use in the most troublesome manner, as they continue to be one of the world's greatest proliferators of weapons of mass destruction. It is not just what they are doing in China, but it is what they are doing around the world.

We have every reason to be extremely concerned about our export policies in light of these developments. We were warned by the Rumsfeld commission that we are facing a threat such as we have never faced before in this Nation with regard to these rogue nations and their increasing capabilities. We were warned by the Deutch

commission. We were warned by the Cox commission. We were warned by at least two recent national security estimates in terms of the capabilities of these rogue nations. They all say they are getting much of their stuff from the Russians and the Chinese.

This is the backdrop against which we are considering reauthorization of the Export Administration Act. My concern is not that we are reauthorizing and taking a look at it, it is that we are looking at it totally from the wrong direction. We should be looking at ways of getting more training for our people who are serving as export licensees. We need to do more on end users. We do not know when we send a high-speed computer or high-performance computer to China what happens to it.

Up until 1998, the Chinese would not even let us check on end users. Out of 600-some computers we have sent over there, we have had one end user check.

According to the Cox commission, in 1998, we got an agreement with the Chinese to check with the end users, but the administration will not release that agreement. The Cox commission says they have seen it—they cannot release it—but it is totally inadequate. This is the backdrop against which we are considering reauthorizing the Export Administration Act.

What do we do with this bill, S. 1712? The bill does some good things, I think. There are some provisions in it that move in the right direction, but they are fairly minimal. In many important respects, it, first of all, further incorporates into law things this administration has been doing by Executive order and then creates new legal categories, all of which liberalize or loosen export controls.

It creates a category with regard to foreign availability. Foreign availability is taken into consideration now by the Department of Commerce in making its decisions as it increases these end-top levels. They take that into consideration. What this bill will do is put it into law and set up a technical group within the Department of Commerce to make a determination if there is foreign availability, and, if so, lickety-split, it does not matter what the end-top level is at Commerce when that happens, it goes out the door.

We have seen from hearings in our committee that there is sometimes great disagreement as to whether or not there is foreign availability with a certain item. It is not just strictly a green-eyeshade matter of physics; it is something that ought to be considered very carefully and should not be left up to the unilateral discretion of Commerce.

This bill gives Commerce more discretion than it has ever had before. We have been very critical of the practices of the Department of Commerce in this administration in times past. I suggest we consider very carefully whether or not we want to give even more authority to the Department of Commerce as we move forward.

Another category is created out of whole cloth: mass marketing. That is not in common practice now; that is not in current Executive orders now. It basically says if it is mass marketed in this country, even if it is not in another country, the assumption is they are eventually going to get it, so let's send it to them, taking into consideration the advantage we might have of at least having a delay as we consider our policies in this Nation, such as the National Missile Defense Program or things of that nature.

We are creating mass marketing. We are creating foreign availability. We are creating embedded components: No matter if a component is controlled, if it is part of a larger component, and it is only so much of the value of that larger component, you look at the value and not the inherent nature of the component itself. That is not right. We ought to look at the component, and if it is controlled, it ought to remain controlled whether it is in a larger item or not. It is another category where we are taking additional items out of control.

Each of these things can be and, I assure you, will be debated in some detail as to whether or not it is good policy, but I think there can be no argument on two points: First, there is greater discretion in many respects in the Department of Commerce and in the Secretary of Commerce. Second, this bill tips the scales in favor of more exports. That is the reason we are doing it.

I personally have not heard any complaints—maybe there are complaints out there; I do not say there are not—from exporters who are not getting things through fast enough. Maybe we need more people. Maybe we need more folks handling the paperwork. Whatever. I do not argue that point.

I do not hear any hue and cry that we are not shipping dual-use possibly militarily significant items out fast enough. But one could look at this bill and assume that is the underlying motivation, that we believe we need to loosen up the export controls a little bit.

It is an honest disagreement. My friends have worked very hard on this. They have tried to be as accommodating as they know how, but we approach this from a fundamentally different vantage point.

I look forward to the discussion when we get on the bill. I thank the Chair. I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, as you can tell from the discussions that have gone on today, this is not the simplest bill that has ever come before Congress. There are a lot of complexities. There are still, obviously, a lot of misunderstandings about what is in the bill.

There is increased money for enforcement, increased people for enforcement, a tie-down on how we check on end users. But I do not want to get into

those very stimulating, exciting details right now. I want to make some more general comments so that my colleagues and other people who are interested in this bill have some idea of why we are having the difficulties we are having.

I am one of those people who agrees—and I think Senator THOMPSON agrees—that the system is broke. I thought we were going to have a debate today on how Congress can fix it because Congress is quickly realizing that we are sacrificing national security and impeding export growth at the same time. We have a chance to fix that problem with this bill or to let it remain broken for about 18 months, at a minimum.

If we do not debate this before the budget and appropriations bills come up, which will be the agenda for the rest of this year, we will not be able to debate it until the nominations of a new administration have been completed and those people understand this difficult area.

In January of 1999, I became the chairman of the Banking Subcommittee on International Trade and Finance. Shortly thereafter, this issue was thrust into prominence. It was disclosed that China had access to United States military secrets, and the congressional Cox commission emphasized the problem with the release of their classified report.

I also found out the Export Governing Act had expired in 1994. That was the Export Administration Act of 1979. Our country was operating under emergency Executive orders to keep any semblance of security at all.

I had a briefing on and read the classified Cox report. I was dismayed.

I followed the history of export licensing and found out there had already been 11 attempts to renew the Export Administration Act. All had gone down in flaming defeat. I read the documentation on the failed bills. I am always amazed at how much documentation there is of what has been done in Congress.

Several people who had tried to rescue the failed bills are still around. I visited with them. I made several trips downtown to see how the committee process of export licensing works at the present time. I drafted a bill. I began working with the ranking member of my subcommittee, Senator JOHNSON of South Dakota. Without his cooperation and interest, and without the dedication and involvement of his staff, we would not have gotten to this point today.

We looked at the problem. We searched for the difficulties. We established some goals. We began to meet with anyone and everyone. We met with all the agencies involved. We met with companies. We met with industry groups. We met with any Senator willing to give a few minutes or a long period of time. I was amazed at how many were interested.

This bill has an interesting constituency. There are two main groups. Nei-

ther group has the votes to pass the bill, but each of them has the votes to kill the bill.

Of course, everyone knows it is easier to kill a bill than it is to pass a bill. To kill a bill, you only need one negative vote anywhere in an 11-step process, and it is dead. You just have to be able to get a majority confused enough at one point to get a negative vote. But to pass a bill, you have to have a positive vote at each one of those places and get the signature of the President. So it is 11 times easier to kill a bill than it is to pass one.

At just one single step for each of the previous 11 attempts at this bill, there was a perception that each of the previous bills that were attempted was either too strong for national security or too easy for imports. The trick on this bill has been to maintain a balance.

Along the way, I found that most of the provisions are not in conflict—the goals are just different—and the difference has been perceived as a counter to each other's interest. I know we can have a vigorous export economy and protect the national security.

I appreciate the confidence shown by Senator GRAMM. He has given Senator JOHNSON and me a free rein to go after a solution. He has allowed the flexibility to review many unusual solutions. Senator SARBANES has provided a quiet leadership of fatherly questioning and direction. I appreciate the hours my fellow Senators have taken to explore this national problem and review this proposed solution.

Senator SHELBY, the chairman of the Intelligence Committee, and a ranking Banking Committee member, was a big contributor and adviser before the bill even came up in committee. Senators WARNER, THOMPSON, HELMS, and KYL have spent countless hours in the last 3 weeks ironing out difficulties. I have to mention Senator COCHRAN. He is a warrior of past battles, and he has been a tremendous help. Meetings I have been in during the last year were often so educational that I sometimes thought maybe I ought to be paying tuition.

Industry needs reliability and predictability. Industry needs to be able to make it to the marketplace at least at the same time the competitor does; for the sake of the United States, I hope they can make it a little bit ahead of the competitor.

For our national security, we need to be sure items that can be used against this country do not fall into the wrong hands.

We formed a tough love partnership in this bill that achieves both goals. Teamwork in the bill was begun by higher penalties for violations.

I would like to use an example of a conviction that has happened with McDonnell Douglas. They violated the export law. Under the present Executive order, they may be charged as much as \$120,000. For a big corporation, they spend more on an ad than that. That is incidental business. Under this bill, they could be fined up to \$120 mil-

lion. That gets the attention of business.

Also, the individuals who are willingly and knowingly involved in this could go to jail. They could go to jail for up to 10 years for each offense. So you can see that if there are enough offenses under this bill, they could have life imprisonment. Those are penalties that have their attention.

There are several other items. I will not go into all of them. But the teamwork is completed by a well-defined system for reliability and predictability, one that relies on prioritizing enforcement assets to catch the bad guys. The United States makes so many products, they cannot all be watched.

I need to make a clarification. While we are talking about national security, we are not talking about guns and missiles. That would be on the munitions list. That isn't under the control of the Export Act. That list, the munitions list, is controlled by the Department of Defense and is much stricter—and has to be. We are not talking about satellites and the technology that goes with that. That technology is controlled by the State Department.

We are referring to products which we have given a fancy name. We call those products dual-use technologies. They were not designed for war. Most were not even intended to be dangerous. Many things are common household items. We call them dual-use technologies because they can be used for more than one use, and we worry about those items that can be used in a way that would be harmful to the United States.

For example, a stick can provide stability when you are walking or it could be a club. A knife can be a dagger or it could be a vegetable peeler. A precision machine can manufacture toys or stealth airplane parts. A computer can teach you math or it can run math models to test nuclear weapons. Everything your senses can sense can be used for good or for evil. Some evil is worse than others.

I think you begin to get a sense for the kind of items this bill could control. I think you can see where the bill could have some validity controlling every single item made or used, except everybody agrees that would not be feasible. If the universe is too great, we cannot afford the enforcement and business will not be able to sell anything. This bill was worked to prioritize logical enforcement.

To have a better idea of how enforcement works, I have had a person on loan to my staff for the last several months who is a law enforcement agent, a very specialized enforcement agent, a person who has worked daily with the enforcement of dual-use exports. That help has been valuable beyond belief.

We and every one of our constituents know the value of hands-on experience. There are some things about a job you can only learn by experience. I am

thankful we have had experience helping us.

Also, during the drafting part of this bill, I sought out a person who had experience actually applying for export licenses. He served as a fellow on my staff for a few months and was also instrumental in drafting the bill.

I would be remiss if I did not thank all the people from the administration who spent hours showing me what they do or explaining how the system works.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator's time has expired.

Mr. ENZI. With the indulgence of the Senator from New Jersey, I ask unanimous consent for some additional time so I can finish this explanation, which I think is critical to the bill.

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

Mr. ENZI. I thank the Senator.

Mr. President, some of the people working for the Federal Government right now have worked in a number of capacities and have seen export licensing from more than one side. I would be especially remiss if I did not mention the dedicated and time-consuming help of Undersecretary of Commerce Bill Reinsch and especially Undersecretary of Defense Dr. John Hamre. At one point, they had visited so much over the telephone about this bill that they caught an "electronic bug" and were ill for 24 hours.

On my own staff, I thank Katherine McGuire, my legislative director, who also works with the committee, and Joel Oswald, who is my committee person.

On Senator JOHNSON's staff, I not only have to mention his tremendous work and coordination, but I have to mention Paul Nash, who sat in on hours and months of meetings; on Senator GRAMM's staff, particularly, Wayne Abernathy; on Senator SARBANES' staff, particularly, Marty Gruenberg; the staffs from all of the different committee chairs who have been involved in this.

This bill has a lot of rabbits, and it has taken a lot of people to keep track of all of the rabbits, particularly as they multiply. I would like to tell you the debate we will hear on this bill is going to be fascinating. I would like to tell you that the bill will hold your attention, that you will be sitting on the edge of your seat, but that would be false advertising. If the bill were that thrilling instead of that detailed, it would have passed long ago.

This may be the most important debate we have this year, but I have to warn you, you can't tell the players without a program, and some parts of this debate don't even allow a program. We will ask you to pretend that you are James Bond, but the most exciting mission you will be assigned might make you feel like a proofreader in an atlas factory.

We need to talk about country tiering. That is where all the countries in the world are classified according to

the risk to our country. We are going to talk about control lists; that is, the list of items we need to keep an eye on and have special instances in which they might need to be licensed. We are going to talk about a process for getting on the list and getting an item off the list. To really complicate the process, we are going to go back to our country list of risk and vary the risk by each item on the control list. Because that will cause some gray areas, we have this little handbook. This little handbook is a translation, a simplification of the rules that, if you are exporting a single thing, you better be aware of because you could be violating the law if you aren't following all 1,200 pages.

All of those things have to be blended together into something workable for industry and national security. I am prepared to explain any of those concepts, to go into great detail with anyone who needs that. Hopefully, we will not do that on the floor. I have been doing that for groups as small as one or as great as 500 for the last year.

But before you think that is all there is, we threw in two new concepts that have been mentioned before, so I will not go into detail on those except to mention that they are critical. We threw in mass markets and foreign availability. We recognized that if an item is available all over the world, probably the bad guys get that, too. And if a product is mass marketed in the United States, if it is so small and so cheap and sold at enough outlets that it could be legally purchased, easily hidden, and taken out of the country, that if you try to enforce that, you will probably not get anywhere either.

I could go on for a long time about the complexities in this bill—158 pages of detail. We have established a system that is transparent and accountable to Congress, requires recorded votes, has ways of getting things up to the President, and allows for the President to control some things. We recognized the deficiency in the present system of difficulty of objecting to licenses, objecting to things on the list, and we have cleared those up. Now we need to clear up the misunderstandings that there are with the bill.

Industry and national security—each side has the ability to walk away from this bill and cause its demise. It would be the simplest thing in the world. I commend business and the security agencies for their efforts, their teamwork, and their cooperation. They have read the reports that have come out on this. The Cox report has been referred to many times. The Cox report says this needs to be done. Congressman COX appeared before the Banking Committee and testified that this bill needs to be done.

I could go into other examples there. I am asking both sides, industry and security, to stay together, to keep working to stay in the middle so that we can have a system in place that will solve some of the problems of the

United States while it increases exports. It can be done.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

#### ELECTIONS IN TAIWAN

Mr. TORRICELLI. Mr. President, during this generation we have witnessed the greatest expansion of democratic nations in history. From East Asia to Eastern Europe to Latin America and the islands of the Pacific, the blessings of democratic pluralism have expanded to the very bounds of each continent. It is in the proudest legacies of this Nation that the United States has played an essential role in facilitating the transition of these nations to democracy and their protection at critical moments.

From military defense to economic assistance, it is questionable whether Korea, Poland, Haiti, and scores of other nations would be free if it were not for the leadership of the United States. Now this generation of American leadership has a new challenge. As certainly as our parents and grandparents fought to ensure that these nations would have an opportunity to be free, it is our responsibility to assure that these fledgling democracies have an opportunity to remain free, a challenge that democracy is not a transitional state but a permanent condition of mankind, and the nations that would represent them.

There is one threat developing now before us to this proposition. It involves the people of Taiwan. During the late 1980s and 1990s, Taiwan underwent an extraordinary transformation from an authoritarian regime to a genuine democracy. Taiwan provided an example of peaceful political evolution from a military and authoritarian government to a true pluralist democracy with little violence, no military confrontation, and without a revolution.

After years of justifying tight security control, step by step, year by year, Taiwan created a genuine democracy. In 1986, a formal opposition party, the Democratic Progressive Party, was formed. And in 1987, martial law was ended after more than 40 years. In 1991, President Lee ended the Government's emergency powers to deal with dissent and a new, freely elected legislature chosen by the people was created. In 1996, Taiwan's democracy had matured to the point that a Presidential election was held. Taiwan had fully developed. Democracy had come of age.

Now, in only a few days, on March 18, Taiwan will hold its second democratic Presidential election. The challenge to this democracy and the rights of freedom of press, worship, and assembly so central to maintaining human freedom are no longer under attack from within. The pressure is from Beijing. On the very eve of these elections, the People's Republic of China issued a statement that constitutes a new threat to Taiwanese democracy. China recently