

steroids, and heroin. More than half of our nation's 12th graders reported that they have tried an illicit drug, and more than one-quarter have tried a drug other than marijuana. And, although the consumption of alcohol is illegal for those under 21 years of age, more than 10 million current drinkers are age 12 to 20.

The Director of the Office of National Drug Control Policy (ONDCP) has recognized that the number one priority for the nation's National Drug Control Strategy is to educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco. And yet, 80% of adolescents needing treatment are unable to access services because of the severe lack of coverage for addiction treatment or the unavailability of treatment programs or trained health care providers in their community. The 1998 Hay Group Report revealed that the overall value of substance abuse treatment benefits has decreased by 74.5% from 1988 through 1998, leaving our youth without sufficient medical care for this disease when they are most vulnerable.

We know that addiction to alcohol and other drugs contribute to other problems as well. Addictive substances have the potential for destroying the person who is addicted, as well as his or her family. We know, for example, that fetal alcohol syndrome is the leading known cause of mental retardation. If a woman who was addicted to alcohol could receive proper treatment, fetal alcohol syndrome for her baby would be 100 percent preventable, and more than 12,000 infants born in the U.S. each year would not suffer from fetal alcohol syndrome, with its irreversible physical and mental damage.

We know too of the devastation caused by addiction when violence between people is one of the consequences. A 1998 SAMHSA report outlined the links between domestic violence and substance abuse. We know from clinical reports that 25-50% of men who commit acts of domestic violence also have substance abuse problems. The report recognized the link between the victim of abuse and use of alcohol and drugs, and recommended that after the woman's safety has been addressed, the next step would be to help with providing treatment for her addiction as a step toward independence and health, and toward the prevention of the consequences for the children who suffer the same abuse either directly, or indirectly by witnessing spousal violence.

The physical, emotional, and social harm caused by this disease is both preventable and treatable. We know from the outstanding research conducted at NIH, through the National Institute on Drug Abuse and the National Institute on Alcoholism, that treatment for drug and alcohol addiction can be effective. The effectiveness of treatment is the major finding from a NIDA-sponsored nationwide study of drug abuse treatment outcomes. The

Drug Abuse Treatment Outcome Study (DATOS) tracked 10,000 people in nearly 100 treatment programs in 11 cities who entered treatment for addiction between 1991 and 1993. Results showed that for all four treatment types studied, there were significant reductions in drug use after treatment. Moreover, treatment resulted in other positive changes in behavior, such as fewer psychological symptoms and increased work productivity.

Addiction to alcohol and drugs is a disease that affects the brain, the body, and the spirit. We must provide adequate opportunities for the treatment of addiction in order to help those who are suffering and to prevent the health and social problems that it causes, and we know that the costs to do so are very low. A 1999 study by the Rand Corporation found that the cost to managed care health plans is now only about \$5 per person per year for unlimited substance abuse treatment benefits to employees of big companies. A 1997 Milliman and Robertson study found that complete substance abuse treatment parity would increase per capita health insurance premiums by only one half of one percent, or less than \$1 per member per month—without even considering any of the obvious savings that will result from treatment. Several studies have shown that for every \$1 spent on treatment, more than \$7 is saved in other health care expenses. These savings are in addition to the financial and other benefits of increased productivity, as well as participation in family and community life. Providing treatment for addiction also saves millions of dollars in the criminal justice system. But for treatment to be effective and helpful throughout our society all systems of care—including private insurance plans—must share this responsibility.

The National Alcohol and Drug Addiction Recovery Month in the year 2000 celebrates the tremendous strides taken by individuals who have undergone successful treatment and recognizes those in the treatment field who have dedicated their lives to helping our young people recover from addiction. Many individuals, families, organizations, and communities give generously of their time and expertise to help those suffering from addiction and to help them to achieve recovery and productive, healthy lives. The Recovery Month events being planned throughout our nation, including one in St. Paul, Minnesota, on September 18, will recognize the countless numbers of those who have successfully recovered from addiction and who are living proof that people of all races, genders, and ages recover every day from the disease of alcohol and drug addiction, and now make positive contributions to their families, workplaces, communities, state, and nation.

I urge the Senate to adopt this resolution designating the month of September, 2000, as Recover Month, and to take part in the many local and na-

tional activities and events recognizing this effort.

SENATE RESOLUTIONS 352—RELATIVE TO THE DEATH OF REPRESENTATIVE HERBERT H. BATEMAN, OF VIRGINIA

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 352

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Herbert H. Bateman, late a Representative from the Commonwealth of Virginia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Representative.

AMENDMENTS SUBMITTED

U.S.-CHINA RELATIONS ACT OF 2000

BYRD AMENDMENT NO. 4131

Mr. BYRD proposed an amendment to the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China; as follows:

Beginning on page 16, strike line 11 and all that follows through line 2 on page 17 and insert the following:

“(k) STANDARD FOR PRESIDENTIAL ACTION.—

“(1) FINDINGS.—Congress finds that—

“(A) market disruption causes serious harm to the United States industrial and agricultural sectors which has grave economic consequences;

“(B) product-specific safeguard provisions are a critical component of the United States-China Bilateral Agreement to remedy market disruptions; and

“(C) where market disruption occurs it is essential for the Commission and the President to comply with the timeframe stipulated under this Act.

“(2) TIMEFRAME FOR ACTION.—Not later than 15 days after receipt of a recommendation from the Trade Representative under subsection (h) regarding the appropriate action to take to prevent or remedy a market disruption, the President shall provide import relief for the affected industry pursuant to subsection (a), unless the President determines and certifies to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that provision of such relief is not in the national economic interest of the United States or, in extraordinary cases, that taking action pursuant to subsection (a) would cause serious harm to the national security of the United States.

“(3) BASIS FOR PRESIDENTIAL CERTIFICATION.—The President may determine and certify under paragraph (2) that providing import relief is not in the national economic

interest of the United States only if the President finds that taking such action would have an adverse impact on the United States economy clearly greater than the benefits of such action.

"(4) AUTOMATIC RELIEF.—"

"(A) IN GENERAL.—If, within 70 days after receipt of the Commission's report described in subsection (g), the President and the United States Trade Representative have not taken action with respect to denying or granting the relief recommended by the Commission, the relief shall automatically take effect.

"(B) PERIOD RELIEF IN EFFECT.—The relief provided for under subparagraph (A) shall remain in effect without regard to any other provision of this section.

THOMPSON AMENDMENT NO. 4132

Mr. THOMPSON proposed an amendment to the bill; H.R. 4444, supra; as follows:

At the end of the bill, insert the following new title:

TITLE—CHINA NONPROLIFERATION

SEC. ___01. SHORT TITLE.

This title may be cited as the "China Nonproliferation Act".

SEC. ___02. DEFINITIONS.

In this title:

(1) COVERED COUNTRY.—The term "covered country" means the following:

(A) RELATIONSHIP TO MOST CURRENT REPORT.—Any country identified by the Director of Central Intelligence as a source or supply of dual-use and other technology in the most current report required pursuant to section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (or any successor report on the acquisition by foreign countries of dual use and other technology useful for the development or production of weapons of mass destruction).

(B) COUNTRIES PREVIOUSLY INCLUDED.—Any country that was previously included in a report described in subparagraph (A), but that subsequently is not included in such report. A country described in the preceding sentence shall continue to be considered a covered country for purposes of this title unless and until such country has not been identified by the Director of Central Intelligence in the report described in subparagraph (A) for 5 consecutive years.

(C) INITIAL COUNTRIES.—On the date of enactment of this Act, China, Russia, and North Korea shall be considered covered countries for purposes of this Act and shall continue to be considered covered countries pursuant to subparagraph (B).

(2) CRUISE MISSILE.—The term "cruise missile" means any cruise missile with 300 or more kilometers of range capability or 500 or more kilograms of payload capability.

(3) GOODS, SERVICES, OR TECHNOLOGY.—The term "goods, services, or technology" means any goods, services, or technology—

(A) listed on—

(i) the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 2, and subsequent revisions);

(ii) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions;

(iii) the Schedules of the Convention on the Prohibition of the Development, Produc-

tion, Stockpiling and Use of Chemical Weapons and on Their Destruction, including chemicals, precursors, and other substances;

(iv) the lists of items and substances relating to biological and chemical weapons the export of which is controlled by the Australia Group; or

(v) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(B) prohibited or controlled for export to any covered country under this title; and includes any information and know-how (whether in tangible or intangible form) that can be used to design, produce, manufacture, utilize, improve, or reconstruct the goods, services, or technology identified in this section.

(4) PERSON.—The term "person" includes—

(A) any individual, or partnership, corporation, business association, society, trust, organization, or any other group created or organized under the laws of a country; and

(B) any governmental entity.

(5) PROLIFERATION ACTIVITY.—The term "proliferation activity" means the activity described in section ___03(a)(1).

(6) UNITED STATES ASSISTANCE.—The term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961, other than urgent humanitarian assistance or medicine;

(B) sales and assistance under the Arms Export Control Act; and

(C) financing under the Export-Import Bank Act.

SEC. ___03. REPORTS ON PROLIFERATION TO ENHANCE CONGRESSIONAL OVERSIGHT.

(a) REPORTS.—

(1) IN GENERAL.—The President shall, at the times specified in subsection (b), submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the Senate, the Select Committee on Intelligence of the Senate, and the Committee on Governmental Affairs of the Senate, a report identifying every person of a covered country for whom there is credible information indicating that such person, on or after January 1, 2000—

(A) contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles by a foreign person who is not a national of the covered country, or otherwise engaged in any activity prohibited under—

(i) Article I, paragraph 1, of the Chemical Weapons Convention;

(ii) Articles I and III of the Biological Weapons Convention; or

(iii) Articles I and III of the Treaty on the Nonproliferation of Nuclear Weapons; or

(B) contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles through the diversion of United States goods, services, or technology.

(2) ACTION BY PERSONS IDENTIFIED.—The President shall include in the report the activities by reported persons that warranted inclusion in the report, and information on any action taken by a person identified in a prior annual report under this subsection that establishes that the person has discontinued, rectified, or mitigated a prior proliferation activity identified under this title.

(3) ACTION BY PRESIDENT.—The President shall include in the report information on actions taken by the President under sections ___04 and ___05, and the reasons therefore, in response to proliferation activities conducted by persons identified in this sec-

tion. The President shall include in the report information on any determinations made under section ___07. If the President fails to exercise the authority under sections ___04 and ___05, or if the President makes a determination under section ___07, with respect to a person identified in a report submitted pursuant to this section, the President shall include that information and the reasons therefore in the report required under this section.

(4) OTHER INFORMATION.—In addition to the information required by paragraphs (1) through (3), the President shall include in the report information on—

(A) noncompliance with any international arms control, disarmament or nonproliferation treaties, agreements, arrangements, or commitments (verbal, written, or otherwise) by covered countries;

(B) noncompliance with United States export control laws, Executive orders, regulations, or export license conditions by covered countries;

(C) the performance of the Department of Commerce in licensing, regulating, and controlling the export of dual-use technology to covered countries, including the number and type of post-shipment verifications conducted and enforcement actions taken;

(D) the threats to the national security interests of the United States, or the security interests of its allies resulting from—

(i) proliferation activities on the part of covered countries or persons identified in reports submitted under this section;

(ii) the transfer or sale to the government of, or persons within, a covered country of dual-use technologies and goods listed on the Commerce Control List;

(iii) the misuse or diversion by the government of a covered country of dual-use technology; or

(iv) the transfer or sale of goods, services, or technology identified by the Director of Central Intelligence as having a significant potential to make a contribution to the development, improvement, or production of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems; and

(E) transfers to the government of, or persons within, a covered country under arms control, disarmament, or nonproliferation agreements and any indication that a covered country has engaged in a proliferation activity under the auspices of such agreements.

(b) TIMING OF REPORTS.—The reports required under subsection (a) shall be submitted no later than 90 days after the date of enactment of this Act, and on June 1 of each year thereafter.

(c) EXCEPTION.—Any person that has engaged in proliferation activities on behalf of, or in concert with, the Government of the United States is not required to be identified on account of that violation in any report submitted under this section.

(d) SUBMISSION IN CLASSIFIED FORM.—The reports required by this section shall be submitted in unclassified form, with classified annexes as necessary. The President shall ensure that appropriate procedures are in place for the protection of sensitive intelligence sources and methods in both the reports and the annexes.

SEC. ___04. APPLICATION OF MEASURES TO CERTAIN PERSONS.

(a) APPLICATION OF MEASURES.—Subject to section ___07, if the President determines that a person identified in a report submitted pursuant to section ___03(a) has engaged in an activity described under section ___03(a)(1) the President shall apply to such person, for such period of time as the President may determine but not less than 1 year, all of the measures described in subsection (b).

(b) DESCRIPTION OF MEASURES.—The measures referred to in subsection (a) are the following:

(1) EXECUTIVE ORDER NO. 12938 PROHIBITIONS.—Imposition of the measures set forth in subsections (b) and (c) of section 4 of Executive Order No. 12938 (as in effect on July 29, 1998).

(2) ARMS EXPORT PROHIBITION.—Prohibition on United States Government transfers or sales to such person of any item on the United States Munitions List as in effect on August 8, 1995, and termination of all sales and after-sale servicing to such person of any defense articles, defense services, or design and construction services under the Arms Export Control Act.

(3) DUAL-USE EXPORT PROHIBITION.—Denial of licenses, suspension of existing licenses, and termination of all transfers or sales and after-sale servicing to such person of any item the export of which is controlled under the Export Administration Act of 1979 (as extended pursuant to the International Emergency Economic Powers Act) or the Export Administration regulations.

(4) UNITED STATES ASSISTANCE PROHIBITION.—Prohibition on the provision of United States assistance in the form of grants, loans, credits, guarantees, or otherwise, to such person.

(5) SUSPENSION OF AGREEMENTS.—Immediate suspension of any agreements or efforts for the co-development or co-production with such person of any item on the United States Munitions List.

(c) EFFECTIVE DATE OF MEASURES.—Each measure imposed pursuant to subsection (a) shall take effect with respect to such person 30 days after the date that the report identifying the person is submitted to Congress.

(d) PUBLICATION IN FEDERAL REGISTER.—Notice of the imposition of the measures described in subsection (b) to a person identified pursuant to section ___03(a) shall be published in the Federal Register, unless the President determines that such publication would threaten the national security or intelligence interests of the United States.

(e) DURATION OF MEASURES.—Each measure imposed under this section shall apply for a period of at least 12 months following the imposition of the measure and shall cease to apply only if the President determines and certifies to Congress that—

(1) the person with respect to whom the determination was made under section ___03(a) has ceased the activities for which the measure was imposed;

(2) the person has taken reasonable steps to rectify the violation; and

(3) the President has received reasonable assurances from the person that such person will not engage in similar activities in the future.

SEC. ___05. APPLICATION OF ADDITIONAL MEASURES DIRECTED AT GOVERNMENTS OF COVERED COUNTRIES.

(a) In addition to the measures described in section ___04 applied against persons identified pursuant to section ___03(a), the President is authorized to apply additional measures as follows against any or all of the covered countries:

(1) Suspension of all military-to-military contacts and exchanges between the covered country and the United States.

(2) Suspension of all United States assistance to the covered country by the United States Government.

(3) Prohibition on United States bank loans or bond offerings in United States markets on the part of any national of a covered country.

(4) Prohibition on the transfer or sale or after-sale servicing, including the provision of replacement parts, to the covered country or any national of the covered country of

any item on the United States Munitions List and suspension of any agreement with the covered country or any national of the covered country for the co-development or co-production of any item on the United States Munitions List.

(5) Suspension of all scientific, academic, and technical exchanges between the covered country and the United States.

(6) Direction of the Export-Import Bank of the United States not to approve the issuance of any guarantees, insurance, extension of credit, or participation on the extension of credit to the covered country, except for the purchase of agricultural commodities, medicine, medical supplies, or humanitarian assistance.

(7) Denial of access to the capital markets of the United States by all state-owned enterprises of the covered country.

(8) Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List that is controlled for national security purposes and prohibition of after-sale servicing, including the provision of replacement parts for such items.

(9) Prohibition on procurement by the United States Government or entering into any contract for the procurement of, any goods or services from the covered country or any national of the covered country.

(10) Designation of the covered country in a country tier under the Export Administration Regulations that is higher than the country tier in effect.

(11) Denial of access to the capital markets of the United States by any company owned or controlled by nationals of the covered country.

(12) Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List and prohibition of after-sale servicing, including the provision of replacement parts for such items.

SEC. ___06. PROCEDURES FOR CONGRESSIONAL REVIEW.

(a) WRITTEN JUSTIFICATION.—Any notification submitted by the President under section ___03 indicating that the President is not imposing a measure or exercising authority under section ___04 or ___05 or that the President is making a determination under section ___07(a) (1) or (2) shall include a written justification describing in detail the facts and circumstances relating specifically to the person identified in a report submitted pursuant to section ___03(a) that supports the President's decision not to exercise the authority of section ___04 or ___05 or the President's decision to make a determination under section ___07(a) (1) or (2) with respect to that person.

(b) CONGRESSIONAL ACTION.—If Congress receives a notification described in section ___03 and does not agree with the justification described in subsection (a), the appropriate measure shall be imposed with respect to the person identified in the notification if a joint resolution described in this section is enacted into law.

(c) JOINT RESOLUTION.—

(1) DEFINITION.—For purposes of this section, a joint resolution means a resolution introduction by one-fifth of the Members of either House of Congress within 90 days after the date the notification described in section ___03 is received, the resolving clause of which contains only the following: "That Congress does not agree with the justification with respect to _____ contained in the notification submitted by the President pursuant to the China Nonproliferation Act on _____ and that the President shall exercise the mandatory measures under section ___04 of the Act with respect to _____"; or "That Congress does not agree with the

justification with respect to _____ contained in the notification submitted by the President pursuant to the China Nonproliferation Act on _____ and that the President shall exercise the mandatory measures under section ___04 of the Act with respect to _____ and 1 or more measures under section ___05 of the Act."; with the first and third blank spaces being filled with the appropriate person identified under section ___03(a) and with the second blank being filled with the appropriate date.

(2) REFERRAL TO COMMITTEE.—

(A) SENATE.—A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate.

(B) HOUSE OF REPRESENTATIVES.—A joint resolution introduced in the House of Representatives shall be referred to the Committee on International Relations of the House of Representatives.

(C) REPORTING.—A joint resolution may not be reported before the 8th day after the date on which the joint resolution is introduced.

(3) DISCHARGE OF COMMITTEE.—If the committee to which the joint resolution is referred in either House has not reported the joint resolution (or an identical joint resolution) at the end of 15 calendar days during which that House is in session after the date on which the joint resolution is introduced—

(A) the committee shall be deemed to be discharged from further consideration of the joint resolution; and

(B) the joint resolution shall be placed on the appropriate calendar of that House.

(4) FLOOR CONSIDERATION.—

(A) IN GENERAL.—

(i) MOTION TO PROCEED TO CONSIDERATION.—When the committee to which a joint resolution is referred in either House has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a joint resolution—

(I) it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of that House to move to proceed to the consideration of the joint resolution; and

(II) all points of order against the joint resolution (and against consideration of the joint resolution) are waived.

(ii) TREATMENT OF MOTION.—A motion under clause (i)—

(I) is privileged in the Senate and is highly privileged in the House of Representatives;

(II) is not debatable; and

(III) is not subject to amendment, a motion to postpone, or a motion to proceed to the consideration of other business.

(iii) NO MOTION TO RECONSIDER.—A motion to reconsider the vote by which a motion under clause (i) is agreed to or disagreed to shall not be in order.

(iv) AGREEMENT TO MOTION.—If a motion under clause (i) is agreed to, the joint resolution shall remain the unfinished business of the House until the House disposes of the joint resolution.

(B) DEBATE.—

(i) TIME.—Debate on a joint resolution, and on all debatable motions and appeals in connection with consideration of a joint resolution, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable.

(ii) AMENDMENTS AND MOTIONS OUT OF ORDER.—An amendment to a joint resolution, a motion to postpone, to proceed to the consideration of other business, or to recommit such a joint resolution, or a motion to reconsider the vote by which such a joint resolution is agreed to or disagreed to is not in order.

(C) VOTE ON FINAL PASSAGE.—A vote on final passage of the joint resolution shall be

taken in each House on or before the close of the 15th calendar day during which that House is in session after the resolution is reported by the committee of that House to which it was referred, or after the committee has been discharged from further consideration of the resolution.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of either House to the procedure relating to a joint resolution shall be decided without debate.

(5) COORDINATION WITH ACTION BY OTHER HOUSE.—

(A) IN GENERAL.—If, before the passage by 1 House of a joint resolution of that House, that House receives from the other House a joint resolution, the procedures stated in this paragraph shall apply.

(B) NO REFERRAL.—The joint resolution of the other House shall not be referred to a committee.

(C) PROCEDURE.—With respect to a joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(6) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively and—

(i) is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution; and

(ii) supersedes other rules only to the extent that the subsection is inconsistent with those rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as the rules relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 7. DETERMINATION EXEMPTING PERSON OR COVERED COUNTRY FROM SECTIONS 4, 5, AND 8.

(A) IN GENERAL.—Sections 4, 5, and 8, shall not apply to a person or to a covered country 15 days after the President reports to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the Senate, the Select Committee on Intelligence of the Senate, and the Committee on Governmental Affairs of the Senate, that the President has determined, on the basis of information provided by that person or covered country, or otherwise obtained by the President, that—

(1) the person did not, on or after January 1, 2000, engage in proliferation activities, the apparent engagement in which caused the person to be identified in a report submitted pursuant to section 3(a);

(2) the person is subject to the primary jurisdiction of a government that is an adherent to 1 or more relevant nonproliferation regimes, the person was identified in a report submitted pursuant to section 3(a) with respect to a transfer of goods, services, or technology described in section 3(a)(1), and such transfer was made consistent with the guidelines and parameters of all such relevant regimes of which such government is an adherent; or

(3) it is important to the national security of the United States not to apply the provisions of section 4 or 5.

(b) WAIVER FOR ACTION BY COVERED COUNTRY.—Section 5 shall not apply to a covered country 15 days after the President reports to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the Senate, the Select Committee on Intelligence of the Senate, and the Committee on Governmental Affairs of the Senate, that the President has determined, on the basis of information provided by the covered country, or otherwise obtained by the President, that—

(1) the covered country did not support or participate in the proliferation activities identified pursuant to section 3(a); and

(2) the covered country is taking reasonable steps to penalize persons identified pursuant to section 3(a) for their proliferation activities and to deter and prevent future proliferation activities.

(c) OPPORTUNITY TO PROVIDE INFORMATION.—Congress urges the President—

(1) in every appropriate case, to contact in a timely fashion each person identified in each report submitted pursuant to section 3(a) or the covered country, in order to afford such person or covered country the opportunity to provide explanatory, exculpatory, or other additional information with respect to the proliferation activities that caused such person to be identified in a report submitted pursuant to section 3(a); and

(2) to exercise the authority in subsection (a) in all cases where information obtained from a person identified in a report submitted pursuant to section 3(a), or from the covered country, establishes that the exercise of such authority is warranted.

(d) EFFECT ON CERTAIN EXPORTS.—Nothing in this title shall prohibit or limit the overseas market development activities by the United States Department of Agriculture or the export of agricultural commodities, medicine, medical supplies, or humanitarian assistance.

SEC. 8. NOTIFICATION TO SECURITIES COMMISSION OF INCLUSION IN REPORT.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) COMMISSION.—The term “Commission” means the Securities and Exchange Commission.

(2) REGISTERED NATIONAL SECURITIES ASSOCIATION.—The term “registered national securities association” means an association registered under section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)).

(3) REGISTERED NATIONAL SECURITIES EXCHANGE.—The term “registered national securities exchange” means a national securities exchange registered under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

(4) REGISTRATION STATEMENT.—The term “registration statement” has the same meaning as in section 2 of the Securities Act of 1933 (15 U.S.C. 77b).

(5) SECURITIES LAWS.—The term “securities laws” and “security” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

(b) NOTIFICATION TO THE COMMISSION.—Each report prepared by the President under section 3 shall be transmitted to the Commission at the times specified in section 3(b).

(c) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Commission shall promulgate regulations—

(1) to ensure that securities investors are notified of the identity of any person included in a report prepared by the President under section 3, the securities of which are listed, or authorized for listing, on a registered national securities exchange (or tier

or segment thereof) or by a registered national securities association; and

(2) to require each person included in a report of the President under section 3 to provide notice of such inclusion in each written report, statement, or other filing or notice required from that person under the securities laws, including—

(A) any registration statement;

(B) any annual or quarterly report, statement, or other filing or notice;

(C) any proxy, consent, authorization, information statement, or other notice required to be sent to shareholders with respect to any security registered pursuant to the securities laws;

(D) any report, statement, or other filing or notice required in connection with an initial public offering; and

(E) any report, statement, or other filing required in connection with a merger, acquisition, tender offer, or similar transaction.

SEC. 9. NATIONAL SECURITY ASSESSMENT.

In order to ensure that the threat posed by proliferation activity to United States national security and to American Armed Forces deployed abroad is given adequate consideration, the Secretary of Defense shall include as part of the Department of Defense's Quadrennial Defense Review—

(1) an assessment of the effect on the national security of the United States and its Armed Forces of transactions by countries determined to be key suppliers of weapons of mass destruction and the means to deliver those weapons;

(2) recommendations for changes in United States defense strategy that could effectively deal with the threats posed by the proliferation of weapons of mass destruction and the means to deliver those weapons; and

(3) an assessment of the cost to the United States of developing systems to address the security challenges posed by the proliferation of weapons of mass destruction and the means to deliver those weapons.

SEC. 10. SENSE OF CONGRESS; POLICY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the proliferation of weapons of mass destruction, ballistic and cruise missiles, and enabling technologies represents a clear and serious threat to the security of the United States, its friends and allies, and to regional and global stability;

(2) all nations engaged in the design, development, or production of goods, services, or technology that contribute, or could contribute, to such proliferation, should join the United States in eliminating proliferation by strengthening and broadening existing multilateral nonproliferation and export control regimes, and by strengthening their own domestic nonproliferation and export control regimes;

(3) the President should continue to seek agreement with countries that are considered to be significant proliferators, to adhere to the provisions and guidelines of existing multilateral nonproliferation and export control regimes as responsible members of the world community, and to strengthen their own national controls over sensitive items and technologies;

(4) the President should fully and vigorously enforce current United States nonproliferation and export control laws and regulations, including the Arms Export Control Act, the Export Administration Act, and the Iran Nonproliferation Act; and

(5) additional budgetary and other resources should be provided to the United States intelligence agencies charged with detecting, assessing, and reporting incidents of proliferation activity and technology diversion, so that the agencies can focus greater

attention and resources on countries identified as key suppliers of sensitive technologies.

(b) MULTILATERAL CONTROL REGIMES.—

(1) POLICY.—It is the policy of the United States to seek multilateral nonproliferation and export control arrangements that support the national security objectives of the United States.

(2) PARTICIPATION IN EXISTING REGIMES.—Congress encourages the United States to continue its active participation in existing multilateral nonproliferation and export control regimes.

(3) STRENGTHENING EXISTING REGIMES.—Congress urges the President to strengthen existing multilateral nonproliferation and export control regimes in order to confront countries and entities engaged in a pattern or practice of proliferation, by—

(A) harmonizing national laws and regulations with regard to enforcing the provisions and guidelines of existing multilateral nonproliferation and export control regimes;

(B) harmonizing export license approval procedures and practices, and eliminating the practice of undercutting;

(C) periodically reviewing and updating multilateral regime nonproliferation and export control lists with other members of the multilateral regime, taking into account first and foremost, national security concerns; and

(D) encouraging countries that are not members of existing multilateral nonproliferation and export control regimes to strengthen their national export control regimes, improve enforcement, and adhere to the provisions and guidelines of existing regimes, and not to undermine existing multilateral nonproliferation and export control regimes by transferring or exporting controlled items in a manner inconsistent with the guidelines of the regimes.

(4) PARTICIPATION IN NEW REGIMES.—It is the policy of the United States to participate in additional multilateral export control regimes if such participation would serve the national security interests of the United States.

(5) ENHANCED COOPERATION WITH REGIME NONMEMBERS.—Congress urges the President to seek agreement among the members of existing multilateral nonproliferation and export control regimes to—

(A) seek the membership of nonmember countries, as practicable, if doing so will strengthen existing regimes;

(B) seek cooperation with governments outside the regime to abide by the provisions and guidelines established by those regimes; and

(C) establish mechanisms in the regime to coordinate planning and implementation of nonproliferation and export control measures related to such cooperation.

(6) ENFORCEMENT OF INTERNATIONAL NORMS AND PRACTICES.—Congress encourages the President to seek agreement among the members of existing multilateral nonproliferation and export control regimes to—

(A) pursue measures and sanctions on a multilateral basis with respect to countries or persons found in violation of existing multilateral nonproliferation and export control regimes, and international norms; and

(B) prevent undercutting by foreign firms when the United States takes unilateral action against countries or entities found to be in violation of existing international agreements or United States law whether or not other members of the regimes choose to take action against those violators.

SEC. 11. ARMS EXPORT CONTROL ACT.

Nothing in this Act shall be construed to alter or modify the Arms Export Control Act.

KYL AMENDMENT NO. 4133

Mr. KYL proposed an amendment to the bill, H.R. 4444, supra; as follows:

On page 5, line 12, after “China”, insert “and Taiwan as separate customs territories”.

Mr. KYL. Mr. President, in recent days, there have been some disturbing moves by China to block Taiwan's entry into the World Trade Organization (WTO), despite China's previous assurances to the United States that it would not do so. As recently as Thursday, September 7, Chinese Foreign Ministry spokesman Sun Yuxi said that China wanted its claim to sovereignty over Taiwan written into the terms of the WTO's rules, stating “The Chinese side has a consistent and clear position: Taiwan can join WTO as a separate customs territory of China.”

This statement by China's Foreign Ministry spokesman comes on the heels of earlier efforts by China to block Taiwan's WTO entry. As the Wall Street Journal reported in July:

“... as WTO staff members draw up the so-called protocol agreements—the reams of paper that define exactly what concessions China will make in order to gain entry into the organization—China is insisting that its claim over Taiwan be recognized in the legal language . . . chief Chinese negotiator Long Yongtu said . . . such a stand “is a matter of principle for us” . . . That would upset a consensus within the WTO that Taiwan should be allowed to enter the club as a separate economic area—that is, not an independent country, but also not as an explicit part of China. Some WTO members have argued that Taiwan has long since fulfilled its requirements to join the club and its application has been held up only to satisfy China's demand that Taiwan shouldn't win entry to the organization first.

In order to help ensure that China lives up to its promises to the United States, and that Taiwan's entry to the WTO is not unnecessarily impeded, today I am filing an amendment to H.R. 4444, the bill to provide permanent normal trade status to China. The current text of H.R. 4444 states that the extension of permanent normal trade relations to China “shall become effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.” My amendment would add one additional condition, stating that permanent normal trade relations with China “shall become effective no earlier than the effective date of the accession of the People's Republic of China and Taiwan as separate customs territories to the World Trade Organization.”

My amendment reinforces the message the Clinton administration has sent to China on previous occasions, and it is my hope that this amendment will remove any ambiguity about America's resolve to support Taiwan's WTO admission. Earlier this week, I received a letter from President Clinton that responded to a letter I sent him in July along with 30 other Senators, that sought assurances that his administration remained committed to Taiwan's

entry to the WTO. In the letter the President stated that, “My administration remains firmly committed to the goal of WTO General Council approval of the accession packages for China and Taiwan at the same session.” The President's letter went on to say that “China has made clear on many occasions, and at high levels, that it will not oppose Taiwan's accession to the WTO. Nevertheless, China did submit proposed language to their working party stating that Taiwan is a separate customs territory of China. We have advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it.”

As the President acknowledged in the letter, despite previous assurances by China and the administration that Taiwan will be admitted to the WTO without opposition, under the surface there is a problem. As it always does, China is using yet another diplomatic opportunity to assert its view that Taiwan is nothing more than a province of China.

It is important for the Congress and the administration to work together to support Taiwan's entry into the World Trade Organization (WTO). First because of the economic benefits that its entry would bring. Secondly, because of the need to meet our commitments to our close and longstanding ally. And third, due to our desire to defend and promote democratic governments, with free markets, that respect the rule of law and the human rights of their people.

Based on its importance to the world economy, Taiwan should be admitted to the WTO. It has the 19th largest economy and is the 14th largest trading nation in the world. Taiwan's economy is also closely linked to the U.S. It is America's 8th largest trading partner and purchases more American goods than many of our other major trading partners, like mainland China, Australia, and Italy. U.S. trade with Taiwan should continue to grow. Over two years ago, we signed a bilateral WTO agreement with Taiwan that included significant reduction in tariffs and other barriers for exports of a variety of U.S. goods and services, including agriculture goods, automotive products, and pharmaceuticals. The admission of Taiwan to the WTO ensures that market barriers to U.S. products will remain low and American companies will have a means to solve disputes over intellectual property and other matters.

Taiwan has been negotiating to become a member of the WTO since 1990 and has met the substantive conditions for membership. According to the Congressional Research Service, it has completed agreements with each of the 26 WTO members that requested bilateral negotiations, and has held 10 meetings with the WTO Working Party in Geneva, resolving all substantive issues surrounding its admission.

China has insisted that Taiwan can get into the WTO only after it does,

and has lobbied other countries to support this position. In the past, Clinton administration officials have assured us that Taiwan's accession would closely follow China's. In February, U.S. Trade Representative Charlene Barshefsky testified to the House of Representatives that "... the only issue with respect to Taiwan's accession ... pertains to timing ... there is a tacit understanding ... among WTO members in general—but also, frankly, between China and Taiwan—that China would enter first and China would not block in any way Taiwan's accession thereafter, and that might be immediately thereafter or within days or hours or seconds or weeks. ..."

Later that same month, in response to a statement by Senator ROTH that "... there's a great deal of concern that Taiwan might be blocked [from entering the WTO] once China secures such membership," Ambassador Barshefsky testified that "... the United States would do everything in our power to ensure that that does not happen in any respect because Taiwan's entry is also critical."

The WTO plays an important role in promoting free and fair trade. Under the WTO, member countries agree on a set of rules and principles for trade, which in turn creates a stable and predictable trade environment. Secondly, the WTO provides a mechanism to enforce these rules, including a procedure for countries to resolve trade disputes. And finally, the WTO provides a forum for negotiations to reduce trade barriers worldwide.

Since the founding of its predecessor GATT in 1984, membership in the organization has grown from 23 countries to 136 today. The general view among economists is that a more predictable trade environment, and a reduction of trade barriers, has contributed to the unprecedented economic prosperity that most countries currently enjoy. Statistics support this view: In 1998, world exports were 18 times larger than in 1950, and world GDP was 6 times greater in 1998 than 1950, according to the Congressional Research Service.

As I mentioned earlier, the United States should support Taiwan's admission to the WTO, not merely for economic reasons, but also to honor our commitments to a close, long-standing ally, and to demonstrate our intention to support democracies that respect the rule of law.

When our Nation switched diplomatic recognition to mainland China, we also enacted the 1979 Taiwan Relations Act to state our continued commitment to the security of Taiwan. This law states, "... the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means." It goes on to say the U.S. would "... consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to

the peace and security of the Western Pacific area and of grave concern to the United States." And finally, it says the U.S. will sell "... defense articles and defense services in such quantity as many be necessary to enable Taiwan to maintain a sufficient self-defense capability."

China's leaders have steadfastly refused to renounce the use of force in retaking Taiwan, and have issued thinly veiled threats to use nuclear weapons should the U.S. intervene. For example, in March, the main newspaper of China's military said, "China is neither Iraq nor Yugoslavia, but a very special country ... it is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country like China, a point which U.S. policymakers know fairly well." Another article in a Chinese military-owned newspaper went further, saying, "The United States will not sacrifice 200 million Americans for 20 million Taiwanese. They will finally acknowledge the difficulty and withdraw."

In outlining what became known as the "Truman Doctrine," President Harry Truman said:

At the present moment in world history nearly every nation must choose between alternative ways of life. The choice is too often not a free one. One way of life is based upon the will of the majority, and is distinguished by free institutions, representative government, free elections, guarantees of individual liberty, freedom of speech and religion, and freedom from political oppression. The second way of life is based upon the will of a minority forcibly imposed upon the majority. It relies upon terror and oppression, a controlled press and radio, fixed elections, and the suppression of personal freedoms. I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or outside pressures. I believe that we must assist free peoples to work out their own destinies in their own way.

Harry Truman spoke these words in 1947, at a time when it was very difficult to stand up to communism on the march from the Soviet Union. The challenge we face today in dealing with China and Taiwan should not be as great as the courageous struggle for the cold war. The United States cannot support China's entry into the WTO without equally supporting Taiwan's entry into the WTO. This is but one of many signals we should be sending to the communist regime in Beijing, about America's determination to meet our commitments and our resolve to support Taiwan.

NOTICE OF HEARING

SUBCOMMITTEE ON ENERGY RESEARCH,
DEVELOPMENT, PRODUCTION AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Energy Re-

search, Development, Production and Regulation.

The hearing will take place on Wednesday, September 20, 2000, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2933, a bill to amend provisions of the Energy Policy Act of 1992 relating to remedial action of uranium and thorium processing sites.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please call Trici Heninger at (202) 224-7875.

PRIVILEGES OF THE FLOOR

Mr. THOMPSON. Mr. President, I ask unanimous consent that Martha McSally, a fellow in Senator KYL's office, be granted the privilege of the floor for the duration of H.R. 4444.

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

Mr. THOMAS. Mr. President, I ask unanimous consent that an intern, Leslie Smith be granted the privilege of the floor.

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

Mr. GRAHAM. Mr. President, I ask unanimous consent that Mr. Jason McNamara, a fellow in my office, be granted the privilege of the floor during the remainder of the debate on this legislation.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that a fellow from my office, Kristin Fauser, be permitted to have floor privileges during the remainder of the debate on H.R. 4444, the PNTR legislation.

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

Mr. THOMAS. Madam President, I ask unanimous consent that Steven Theriault be granted the privilege of the floor during the debate on H.R. 4444.

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

DEATH OF REPRESENTATIVE HERBERT H. BATEMAN, OF VIRGINIA

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 352, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.