

SENATE—Thursday, September 6, 2001

The Senate met at 10:30 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

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

Almighty God, we commit ourselves to You, the work of this day, and the challenges we face. You have made commitment the condition for receiving Your grace and guidance. We accept the admonition of Proverbs: "Commit your works to the Lord, and your thoughts will be established" (Proverbs 16:3). We long to be divinely inspired thinkers. When we commit our problems, plans, and projects to You, You instigate thoughts we would not have conceived without Your help. Show us how the sublime secret of intellectual leadership works. The Psalmist knew that secret: "Commit your way to the Lord, and trust also in Him, and He shall bring it to pass . . . rest in the Lord, and wait patiently for Him" (Psalm 37:5, 7).

We claim Your presence; You are here in this Chamber and with every Senator and staff member in the offices and committees and hearing rooms of the Capitol. We praise You for Your superabundant adequacy to supply our needs spiritually and intellectually. You establish our thinking and energize our work. Bless the Joint Session of Congress this morning as we welcome Mexican President Vicente Fox and continue to strengthen the ties between Mexico and the United States.

We commit the day; You will show the way, and we will receive Your strength without delay. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC., September 6, 2001.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I

hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:40 a.m. with Senators permitted to speak therein for up to 5 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. I thank the Chair.

MEASURE PLACED ON CALENDAR—S. 2563

Mr. REID. I understand there is a bill at the desk for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2563), an act to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986, to protect consumers in managed care plans and other health coverage.

Mr. REID. Mr. President, I would now object to any further proceeding on this legislation at this time.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, as has been announced, in 5 minutes the Senate will recess for purposes of the joint meeting with President Fox of Mexico. Senators have been notified to be here in 5 minutes to proceed to the House Chamber for the meeting.

When the Senate reconvenes at 12 noon, we will continue on the export administration bill. It is my understanding, having spoken with the managers of the bill, Senators SARBANES

and ENZI, that progress has been made over the evening, and I have been told—and we will hear more from the managers shortly—that that bill can be wrapped up this afternoon. I hope that is the case because we want to alert Senator HOLLINGS and Senator GREGG that we should move and will move to the Commerce-State-Justice Appropriations Act today as soon as this other legislation is finished.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

EXPORT ADMINISTRATION ACT

Mr. SARBANES. Mr. President, with respect to S. 149, which is before the Senate, it is our anticipation that upon returning from the joint meeting and going back into session at noon, we would be able then to move expeditiously. There are a couple of amendments that I presume Senator THOMPSON and Senator KYL will offer. We have had an opportunity to review those amendments. We think they strengthen the bill. We are prepared to accept those amendments.

There is a question of the blue ribbon commission on which an agreement has not been reached. I do not know whether Senator SHELBY, who authored that amendment, will proceed to offer it or not. If he does, we will have to take it up and, of course, be open to amendment. We hope to be able to resolve that issue rather quickly. We have a managers' amendment to be adopted. And then we anticipate going to final passage.

So that is the sequence that we envision. We think that could be done in short order. I don't think that it will really take a lot of time to do all of this, maybe an hour at most, and we could get this bill completed and off the floor. I say to the majority whip, we would be able then to move on to other legislation in the early afternoon. But that is my expectation of how we will proceed.

I want to acknowledge and thank Senator THOMPSON, Senator KYL, and Senator ENZI—Senator GRAMM was involved in the discussion that Senator ENZI had with the other two Senators—for moving this matter along.

Mr. THOMPSON. Will the Senator yield.

Mr. SARBANES. Certainly.

Mr. THOMPSON. Mr. President, I think the Senator very well states the status of the situation and what has occurred. We have been discussing these matters as late as 30 minutes ago. I do anticipate that we will have two short amendments that have been

discussed and we will be able to agree upon which will improve the bill. As a part of our understanding, there will be two letters from both advocates and opponents of this legislation to the White House on a couple matters that we believe are very important but that should first be addressed by the White House, such as the deemed export rule, which is a very complex matter that we believe should properly be handled by Executive order. So with those two amendments and those two letters, I think we are in a state of agreement with regard thereto.

The only other matter, as Senator SARBANES indicated, is the question of the commission. I anticipate that we will certainly know by 12 o'clock what the situation on that will be. We will either have a vote on that or not. But if we do, I would anticipate that would be the only rollcall vote that we would have, and we would be able to proceed forthwith to final passage.

Mr. ENZI. Will the Senator yield.

Mr. SARBANES. Certainly.

Mr. ENZI. I would add my thanks and appreciation for all the hard work, particularly of Senator THOMPSON and Senator KYL and their staffs and Senator GRAMM and his staff. The meetings and the work on this did go late into the evening last night and began this morning so we could have as little interruption and expedition of the business that needs to be done by the Senate. Their cooperation, their attention to detail, and their willingness to discuss throughout the whole process the last 3 years we have been working on it is very much appreciated, particularly the hours they and their staff put in last evening and early this morning.

Mr. SARBANES. Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF MEXICO

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:40 a.m. having arrived, the Senate will now stand in recess until the hour of 12 noon.

Thereupon, the Senate at 10:40 a.m., preceded by the Secretary of the Senate, Jeri Thomson, and the Vice President, RICHARD B. CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of Mexico, Vincente Fox.

(The address is printed in the Proceedings of the House of Representatives in today's RECORD.)

At 12 noon, the Senate, having returned to its Chamber, reassembled

when called to order by the Presiding Officer (Mr. REID).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Nevada, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

EXPORT ADMINISTRATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 149, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 149) to provide authority to control exports, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, as we debate our system of export controls in this new era, we hear an array of arguments that reflect America's preeminent role in the world, our military and economic power, and the absence of the threat of major war that has prevailed since the demise of the Soviet Union a decade ago. We hear proud claims that trade is the new currency of international politics; that the strength of our economy, now more than ever, underpins our national power and global influence; and that in the brave new world of the Information Age, most technological flows are uncontrollable, or controls are meaningless due to the availability of the same technology from foreign competitors.

The business of America is business, we are told, and those of us who believe national security controls exist to protect national security, rather than simply expedite American exports, are accused of old thinking, of living in a dangerous past rather than a prosperous and peaceful present. For many, the new definition of national security—in a haunting echo of the thinking that inaugurated the last century—predicates the safety and well-being of the American people upon the free flows of trade and finance that make our economy the envy of the world, and our business leaders a dominant force in our time.

I am an ardent free trader, and I believe economic dynamism is indeed a central pillar of national strength. But I do not believe our prosperity requires us to forego very limited and appropriate controls on goods and technologies that, in the wrong hands, could be used to attack our civilian population here at home, or against American troops serving overseas. Ex-

perts agree that both rogue regimes and hostile terrorist organizations are actively seeking components for weapons of mass destruction, many of which are included in the list of goods we control under our current export licensing system.

Unlike in the Cold War era, when we created our export control regime to keep sensitive technologies out of the hands of the Soviet Union, this era is characterized by an array of diverse threats emanating from both hostile nations and non-state actors. Hostile nations like Iran and North Korea are disturbingly close to developing multiple-stage ballistic missiles with the capability to target the United States. These and other nations, including Syria and Iraq, receive significant and continuing technical assistance and material support for their weapons development efforts from China and Russia, with whom much of our trade in dual-use items is conducted. The intelligence community has made startlingly clear the proliferation record of China and Russia, as well as North Korea, and the adverse consequences of their weapons development and technology transfers to American security interests.

I do not believe that S. 149 adequately addresses these threats. Unfortunately, the Senate yesterday rejected a reasonable amendment offered by Senator THOMPSON allowing the relevant national security agencies to receive a 60-day time extension to review particularly complex license applications. This reform, proposed by the Cox Commission, and a number of amendments adopted by the House International Relations Committee in its markup of the Export Administration Act, properly addressed some of the deficiencies in the current version of S. 149.

S. 149 has the strong support of the business community and the Bush Administration. In the short term, proponents of this legislation are correct: loosening our export controls will assist American businesses in selling advanced products overseas. In another age, proponents of free trade in sensitive goods with potentially hostile nations were also correct in asserting the commercial value of such enterprise: Britain's pre-World War I steel trade with Germany earned British plants substantial profits even as it allowed Germany to construct a world-class navy. Western sales of oil to Imperial Japan in the years preceding World War II similarly earned peaceful nations commercial revenues. In both cases, friendly powers caught on to the destructive potential of such sales and embargoed them, but it was too late. Such trade inflicted an immeasurable cost on friendly nations blinded by pure faith in the market, and in the power of commerce to overcome the ambitions of hostile powers that did not share their values.