

Group chemicals not listed on the CWC schedules.

Western Countries

As was the case in 1998 and 1999, entities in Western countries in 2000 were not as important as sources for WMD-related goods and materials as in past years. However, Iran and Libya continue to recruit entities in Western Europe to provide needed acquisitions for their WMD programs. Increasingly rigorous and effective export controls and cooperation among supplier countries have led the other foreign WMD programs to look elsewhere for many controlled dual-use goods. Machine tools, spare parts for dual-use equipment, and widely available materials, scientific equipment, and specialty metals were the most common items sought. In addition, several Western countries announced their willingness to negotiate ACW sales to Libya.

TRENDS

As in previous reports, countries determined to maintain WMD and missile programs over the long term have been placing significant emphasis on insulating their programs against interdiction and disruption, as well as trying to reduce their dependence on imports by developing indigenous production capabilities. Although these capabilities may not always be a good substitute for foreign imports—particularly for more advanced technologies—in many cases they may prove to be adequate. In addition, as their domestic capabilities grow, traditional recipients of WMD and missile technology could emerge as new suppliers of technology and expertise. Many of these countries—such as India, Iran and Pakistan—do not adhere to the export restraints embodied in such supplier groups as the Nuclear Suppliers Group and the Missile Technology Control Regime.

Some countries of proliferation concern are continuing efforts to develop indigenous designs for advanced conventional weapons and expand production capabilities, although most of these programs usually rely heavily on foreign technical assistance. Many of these countries—unable to obtain newer or more advanced arms—are pursuing upgrade programs for existing inventories.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period for morning business.

The Senator from Tennessee.

NATIONAL SECURITY

Mr. THOMPSON. Mr. President, before my colleague from Texas leaves the Chamber, I want to congratulate him on what I consider to be another major achievement of his career. He can add this legislation to the long list of legislation he has either been primarily responsible for or substantially responsible for. While we have disagreements on the legislation, this is something I have seen him work tire-

lessly on for at least a couple of years now, and certainly Senator ENZI carried a large share of the work, as Senator GRAMM said.

This is another one of those instances where Senator GRAMM took an issue like a dog taking to a bone and did not turn it loose until he got it done. I must say it is another impressive performance, and I want to congratulate my good friend for adding another important legislative victory to his long legacy.

I want to discuss the legislation for a minute in response to my good friend. We talked of two goals. This bill has been put to bed now, as it were. We are going to be voting on it shortly. We have made some modest improvement to it. The Senators opposite are correct in saying we have been talking about this a long time.

I do not know whether we can take credit for 59 changes or not. They say 59 changes have been made, but I guess we can take credit for some changes that have been made along the way to improve the bill.

We still have problems with the basic concept, and right before we go off into this good night, we need to lodge at least one summary statement with regard to the nature of our concern and where we hopefully will go from here.

The nature of our concern simply is this: It is a more dangerous world out there than ever before, and we have to be more careful than ever we do not export dangerous items to dangerous people that will turn around and hurt this country. The risk of that is greater than ever before.

We do not have two equal goals of trade and commerce on the one hand and national security on the other. The interest of national security dwarfs the interest of trade and commerce, although they are discussed in this Chamber somehow in equipoise. That is not the case. It should not be the case. It is not even set out that way in the bill if one looks to the purposes of the bill. The purposes of the bill are to protect this country. That is why we have an export law, not to facilitate business.

A great majority of the time I am with my business friends, but when it comes to national security I must depart with those who would weigh too heavily the interests of trade. I suggest those who are interested in trade get about giving the President fast track, giving the President trade promotion authority. That will do more for trade and industry and to help the economy of this Nation than exporting dual-use high tech items to China and Russia that may find their way to Iran and Iraq. So that is what we ought to be doing if we are concerned about trade in this country. So those two goals are not equal.

We need to understand what we are doing once again on these issues. Call

it a balance, if you will. No matter how you weigh the factors involved, we are giving the Secretary of Commerce and those within the department responsibility for national security. The Secretary, who I have the greatest confidence in—and I think he is a great man doing a great job—should not have the responsibility for national security. That is not supposed to be his job.

We are once again giving the Commerce Department, which we greatly criticized during the Clinton administration for some of their laxness, the life or death decisionmaking power in terms of these regulations or policies, in many important instances—not all instances, not always unilaterally, but many of them in some very important areas. We are deregulating entire categories of exports.

Foreign availability has always been something we considered in terms of whether or not we would export something or grant a license for something, and I think properly so. We do not want to foolishly try to control things not controllable. So foreign availability ought to be a consideration. We are moving light-years away from that, letting someone over at the Department of Commerce categorize entire areas of foreign availability that takes it totally out of the licensing process, so you do not have a license, and our Government cannot keep up with what is being exported to China or Russia. That is a major move. It is not a good move.

With regard to the enhanced penalties, what sanction is there to be imposed upon an exporter when he is not even required to have a license? It is saying: We will raise the penalty for your conduct, but we will make your conduct legal. That is not very effective in terms of export control, to say the least.

Finally, when I hear the proponents of this legislation say 99.6 percent of these exports are approved anyway, they are arguing against themselves. They use it to make the point this is kind of a foolish process anyway. So if the great majority of them are going to be approved, why even have the process? I assume that is the logical conclusion of their position.

My question is: What about the .4 percent that don't make it? Do we not have to look at the body of exports taking place in order to determine what that .4 is? Or if we didn't have a process, would that .4 be more like 3.4 if people knew there wasn't such a process? The .4 is the important thing to look at. Besides, if all the exports are being approved anyway, why is it so onerous to go through a process that will take a few days and get a clean bill of health so there is no question?

Therein lies the basis of our concern. It is a fundamental disagreement as to how far we should be going in this dangerous time. As the world is becoming