

the leadership in the Chinese Government presumably are going to be upset because of that and, therefore, we should not do anything about it.

My colleague from Minnesota takes the Chinese position with regard to whether or not they agreed to the annex to the Missile Technology Control Regime. My understanding is that our Government and the best evidence is that they agreed to the MTCR. They are coming back and saying they did not agree to the annex. That is not a position I thought we were taking in this Nation.

There is concern there might be a requirement to report these proliferating companies to the SEC; the SEC does not know anything about giving information to investors, which, of course, is not the case.

I guess we have greater problems than even I thought because I thought that while certainly we can have disagreements on the best way to approach this, now I find that some of us apparently do not even have any problems with the activities from the People's Republic of China over these last few years.

I wonder where my colleagues were when the Rumsfeld Commission came out 2 years ago and talked about this threat. Where was everybody when the Deutch Commission, the bipartisan group of former Members of this body and former Members of the House, scientists, and experts in the area, talked about this threat and talked about the fact that, as late as 1996, China was leading the pack in the entire world in terms of proliferators?

Now they are just identified as one of the top three of nations that are doing things to serve as threats to this country, and the information in the intelligence reports we continue to see is that with regard to part of their activities anyway, it is increasing as we speak; let's not do anything to upset the leadership of the People's Republic of China.

I wish we were dealing with the people of China. We would not have this problem. But the leadership over there, counting on having this trade and keeping dictatorial control, too, is an entity whose attention we need to get. Diplomacy has not worked.

It is true; we have numerous laws on the books. I said earlier that some of my colleagues were arguing that this would be catastrophic, on the one hand, and yet we have similar laws already on the books, we do not need them, on the other. I did not expect to hear that in the same argument, but I think I just heard it. We have numerous laws on the books that are unilateral sanctions with regard to countries that proliferate weapons of mass destruction. That is nothing new. We pass those bills unanimously usually.

What is new about this legislation is the fact that a detailed report is required; the President has to give a reason for not exercising sanctions when a determination is made that companies

are proliferating; and Congress has a voice. If 20 Members of Congress decide to file a petition, then we can address it ourselves. The President, of course, still has to sign the bill. The President, of course, can still veto legislation, but it does give Congress some additional voice, a voice that is needed.

If this had worked out all right, if we did not have this continuous pattern of behavior and continuous pattern by this administration in not requiring the Chinese to clean up their act, we would not be here tonight and we would not need this kind of legislation.

I make no apologies for this amendment. It is needed. It is something that is not going to go away. The People's Republic of China has made it clear they do not intend to amend their activities. It is not as if we are making progress. They told us and our delegations we sent over there in June and July of this year, and with the President of the United States and the head of the Chinese Government as late as last Friday, they continue to tell us that as long as we try to get a missile defense system through here and as long as we befriend Taiwan, they are going to continue their activities and we can take it or leave it.

Obviously, many of my colleagues think we ought to take it because of the enormous benefits we are going to get from this trade deal; surely we can move forward and be optimistic and be hopeful in terms of what trade might bring because free trade leads to free markets and free markets can lead to more open societies in the long run.

In the meantime, in addition to that, can we afford to blind ourselves to the only activity engaged in by this country or any other country—I am talking about the Chinese Government—that poses a direct and mortal threat, as we are continually told by our own commissions and intelligence community to this country? I think not, and I look forward to a resuming of the debate tomorrow.

I yield the floor.

MORNING BUSINESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

MEDICAL NUTRITION THERAPY

Mr. CRAIG. Mr. President, I rise this afternoon to call attention to some unfinished business from the Balanced Budget Act of 1997. In this landmark legislation, Congress directed the Secretary of Health and Human Services to work with the National Academy of Sciences Institute of Medicine to study medical nutrition therapy as a potential benefit to the Medicare program.

In December of last year, the Institute of Medicine released their study.

They found that nutrition therapy has been shown to be effective in the management and the treatment of many chronic conditions which affect Medicare beneficiaries, including high cholesterol, high blood pressure, heart failure, diabetes, and kidney disease. They also found that Medicare beneficiaries undergoing cancer treatment may benefit from nutrition therapy aimed at controlling side effects or improving food intake. They recommended that medical nutrition therapy—with physician referral—be covered as a benefit under the Medicare program.

I have been working with my friend and colleague from New Mexico, Senator BINGAMAN, for the last several years on medical nutrition therapy legislation. The bill we introduced establishes a new Medicare outpatient benefit that would allow our senior citizens to work with a registered dietitian or nutrition professional to learn how to manage chronic diseases such as diabetes, cardiovascular disease, and kidney disease.

This legislation, S. 660, has been co-sponsored by 35 of our colleagues. Its House companion, sponsored by Representative NANCY JOHNSON, has been supported by two-thirds of the House Members.

As Congress considers additional refinements to the Balanced Budget Act, we must be certain that we keep our focus on the beneficiary. In addition to providing health care providers with needed relief, we must seize the opportunity to give our Nation's seniors access to medical nutrition therapy.

I urge my colleagues to join with Senator BINGAMAN and I to take care of this unfinished business before this Congress ends. We must make certain that action on medical nutrition therapy coverage occurs this year.

I hope my colleagues will join with me on this issue.

Mr. President, I yield the floor.

RECESS APPOINTMENTS

Mr. INHOFE. Mr. President, in 1985, when we had a conservative Republican in the White House by the name of Ronald Reagan, we had a Senate that was dominated by the Democrats. At that time, the Senate majority leader was a very distinguished Senator from West Virginia, Senator BOB BYRD.

We found Ronald Reagan was violating the Constitution with recess appointments. Let me go back and give a little background of this. In the history of this country, back when we were in session for a few weeks and then they got on their horse and buggy and went for several days back to wherever they came from, if some opening occurred during the course of a recess, such as the Secretary of State dying, the Constitution provides that a President can go ahead and make a recess appointment and not rely on the prerogative of the Senate to confirm, for confirmation purposes. This is understandable at that time.