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SA 1526. Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, supra; which was ordered to lie on the table.

vide authority to control exports, and for other purposes; as follows:

On page 232, strike lines 16 through 18, and insert the following:

(1) AGREEMENT OF THE APPLICANT; COMPLEXITY OF ANALYSIS; NATIONAL SECURITY IMPACT.—

(A) AGREEMENT OF THE APPLICANT.—Delays upon which the Secretary and the applicant mutually agree.

(B) COMPLEXITY OF ANALYSIS.—The reviewing department or agency requires more time due to the complexity of the analysis, if the additional time is not more than 60 days.

(C) NATIONAL SECURITY IMPACT.—The reviewing department or agency requires additional time because of the potential impact on the national security or foreign policy interests of the United States, if the additional time is not more than 60 days.

SA 1482. Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 218, beginning with line 4, strike all through line 7, and insert the following:

(c) EFFECTIVE DATE OF TERMINATION.—The termination of an export control pursuant to this section shall take effect 30 days after the President has consulted with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the foreign policy implications of such termination. Notice of the termination shall be published in the Federal Register.

SA 1483. Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 210, beginning on line 13, strike all through line 20, and insert the following:

(1) CONSULTATION; REPORT.—The President shall consult with the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on International Relations of the House of Representatives, regarding any export control proposed under this title. The Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives describing efforts to achieve or increase multilateral cooperation on the issues or problems underlying the proposed export control.

SA 1484. Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, line 3, strike “in consultation with” and insert “with the concurrence of”.

SA 1485. Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 188, line 1, after the period insert the following: “The Secretary shall provide notice to Congress whenever the country tiers are reassigned.”

SA 1486. Mr. HELMS submitted an amendment intended to be proposed by

#### TEXT OF AMENDMENTS

SA 1481. Mr. THOMPSON proposed an amendment to the bill S. 149, to pro-

him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, line 11, after "determine" insert ", with the concurrence of the Secretaries of State, Defense, and Energy."

**SA 1487.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 218, line 6, strike "on the date" and all that follows through "Register" on line 7, and insert the following: "30 days after the President has consulted with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the foreign policy implications of such termination. Notice of the termination shall be published in the Federal Register."

**SA 1488.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table, as follows:

On page 188, line 3, after "Senate" insert ", the Committee on Foreign Relations of the Senate,".

**SA 1489.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table, as follows:

On page 210, beginning on line 13, strike all through line 20, and insert the following:

(1) CONSULTATION; REPORT.—The President shall consult with the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on International Relations of the House of Representatives, regarding any export control proposed under this title. The Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives describing efforts to achieve or increase multilateral cooperation on the issues or problems underlying the proposed export control.

**SA 1490.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table, as follows:

On page 210, beginning on line 13, strike all through line 20, and insert the following:

(1) REQUIREMENT.—The President shall consult with the Committees on Foreign Relations Banking, Housing, and Urban Affairs of the Senate, and the Committee on International Relations of the House of Representatives regarding any export control proposed under this title. The Secretary of State shall report separately to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on efforts to achieve or increase multilateral cooperation on the issues or problems underlying the proposed export control.

**SA 1491.** Mr. HELMS submitted an amendment intended to be proposed by

him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, between lines 12 and 13, insert the following:

**SEC. 702. CONGRESSIONAL NOTIFICATION.**

(a) IN GENERAL.—The President shall promptly notify the appropriate committees of Congress whenever an actual or alleged violation of this Act has occurred that is likely to cause harm or damage to United States national security interests.

(b) EXCEPTION.—The requirement in subsection (a) shall not apply if the President determines that notification of the appropriate committees of Congress under such paragraph would jeopardize an ongoing criminal investigation. If the President makes such a determination, the President shall provide written notification of such determination to the Speaker of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives, and the minority leader of the Senate. The notification shall include a justification for the determination.

(c) IDENTIFICATION OF PERSONS SUBJECT TO INVESTIGATION.—The Secretary of Commerce and the Attorney General shall develop appropriate mechanisms to identify, for the purposes of processing export licenses, persons who are the subject of an investigation for a violation described in this subsection.

(d) PROTECTION OF CLASSIFIED AND OTHER SENSITIVE INFORMATION.—The appropriate committees of Congress shall ensure that appropriate procedures are in place to protect from unauthorized disclosure classified information, information relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to those committees pursuant to this section.

(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413).

(f) ROLE OF COMMITTEE ON FOREIGN RELATIONS.—Any requirement in title II, III, or V to consult with, brief, or report to the Committee on Banking, Housing, and Urban Affairs of the Senate shall also apply to the Committee on Foreign Relations of the Senate.

(g) DEFINITION.—In this section, the term "appropriate committees of Congress" means the following:

(1) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 1492.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 325, beginning with line 6, strike all through line 9, and insert the following:

(k) RELATIONSHIP TO THE AECA.—Nothing in this Act shall be construed to alter or affect—

(1) any provisions of the Arms Export Control Act; or

(2) any authority delegated by the President to the Secretary of State under the Arms Export Control Act.

**SA 1493.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, beginning on page 10, strike all through line 14 and insert the following:

(c) END USE AND END USER CONTROLS.—Notwithstanding any other provision of this Act, controls may be imposed, based on the end use or end user, on the export of any item, that could contribute to the proliferation of weapons of mass destruction or the means to deliver them.

(d) PROCEDURE FOR END USE CONTROLS.—To facilitate the proper exercise of the authority described in subsection (c) and the ability of the Department of Commerce and other agencies to conduct cumulative effects analyses, the following procedures shall apply:

(1) PRIOR APPROVAL OF EXPORTS AND REEXPORTS.—

(A) IN GENERAL.—The President shall not permit any covered item to be exported or reexported to a covered country without a license, if the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, or the Secretary of State objects in writing to the export or reexport of the covered item. Any person proposing to export or reexport such an item (including replacement parts for any such item) shall notify the Secretary of Commerce, who, within 24 hours after receiving the notification, shall transmit the notification to the Secretary of Defense, the Secretary of Energy, and the Secretary of State.

(B) TIME LIMIT.—If the Secretary of Defense, the Secretary of Energy, or the Secretary of State, objects to the export or reexport of a covered item, the Secretary shall file the objections in writing within 10 days after the notification is received under subparagraph (A). If such a written objection to the export or reexport of an item is filed, the item may be exported or reexported only pursuant to a license issued by the Secretary of Commerce under the Export Administration Regulations of the Department of Commerce, without regard to the licensing exceptions otherwise authorized under section 740.7 of title 15, Code of Federal Regulations, as in effect on June 10, 1997. If no objection is filed within the 10-day period, the export or reexport shall be allowed.

(2) EXCEPTION.—The notification requirements described in paragraph (1) shall not apply to a covered item, if—

(A) the Secretary of Commerce determines that the requirements should not apply and the Secretaries of State, Defense, Energy, and the Treasury, and the Director of Central Intelligence, concur; and

(B) the item has not been included on the Commerce Control List or the National Security Control List for at least 5 years.

(3) DEFINITIONS.—In this subsection:

(A) COVERED COUNTRY.—

(i) IN GENERAL.—The term "covered country" means any country explicitly identified by the Director of Central Intelligence as a recipient, source, or supplier of dual-use and other technology in the most recent report required under 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). Any country that was identified in a report required under such section 721, but is not identified in subsequent reports, shall continue to be considered a covered country for purposes of this title until the country is not identified in the report for 5 consecutive years.

(ii) INITIAL COUNTRIES.—On the date of enactment of this Act, China, Russia, North Korea, Iran, Iraq, Syria, Sudan, Libya, India, Pakistan, and Egypt shall be considered covered countries for purposes of this title and shall continue to be considered covered countries pursuant to clause (i).

(B) COVERED ITEM.—The term “covered item” means any item that was removed from the Commerce Control List or the National Security Control List after January 1, 1992 (including computers with a composite theoretical performance level of more than 6,500 MTOPS), and any item listed on the Commerce Control List or the National Security Control List.

(4) REPORT.—Not later than February 1 of each year, the Director of Central Intelligence, with the assistance of the Secretaries of State, Defense, Energy, and Commerce, shall report to Congress on the cumulative effects and national security implications of exporting and reexporting covered items to covered countries.

**SA 1494.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, beginning on line 1, strike all through line 9, and insert the following:

(A) there is a threat to a foreign policy interest of the United States; and

(B) the prohibition of exports under each binding contract, agreement, commitment, license, or authorization will be instrumental in remedying the situation posing the threat.

**SA 1495.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table, as follows:

On page 176, beginning on line 7, strike all through line 11, and insert the following:

(1) The Secretary determines that such license is required to export such parts;

(2) The Secretary of State and the Secretary of Defense determine that such service or parts should be controlled for national security or foreign policy reasons under this Act; or

(3) the after-market service or replacement parts would materially enhance the capability of an item which was the basis for the item being controlled.

**SA 1496.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 255, beginning with line 12, strike all through page 257, line 13, and insert the following:

(1) VIOLATIONS BY AN INDIVIDUAL.—Any individual who knowingly violates, conspires to violate, or attempts to violate any provision of this Act or any regulation, license, or order issued under this Act shall be fined up to 10 times the value of the exports involved or \$1,000,000, whichever is greater, imprisoned for not more than 10 years, or both, for each violation.

(2) VIOLATIONS BY A PERSON OTHER THAN AN INDIVIDUAL.—Any person other than an individual who knowingly violates, conspires to violate, or attempts to violate any provision of this Act or any regulation, license, or order issued under this Act shall be fined up

to 10 times the value of the exports involved or \$10,000,000, whichever is greater, for each violation.

(b) FORFEITURE OF PROPERTY INTEREST AND PROCEEDS.—

(1) FORFEITURE.—Any person who is convicted under paragraph (1) or (2) of subsection (a) shall, in addition to any other penalty, forfeit to the United States—

(A) any of that person's security or other interest in, claim against, or property or contractual rights of any kind in the tangible items that were the subject of the violation;

(B) any of that person's security or other interest in, claim against, or property or contractual rights of any kind in the tangible property that was used in the export or attempt to export that was the subject of the violation; and

(C) any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

(2) PROCEDURES.—The procedures in any forfeiture under this subsection, and the duties and authority of the courts of the United States and the Attorney General with respect to any forfeiture action under this subsection, or with respect to any property that may be subject to forfeiture under this subsection, shall be governed by the provisions of chapter 46 of title 18, United States Code (relating to criminal forfeiture), to the same extent as property subject to forfeiture under that chapter.

(c) CIVIL PENALTIES; ADMINISTRATIVE SANCTIONS.—

(1) CIVIL PENALTIES.—The Secretary may impose a civil penalty of up to \$1,000,000 for each violation of a provision of this Act or any regulation, license, or order issued under this Act. A civil penalty under this paragraph may be in addition to, or in lieu of, any other liability or penalty which may be imposed for such a violation.

**SA 1497.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table, as follows:

On page 176, beginning on line 7, strike all through line 11, and insert the following:

(1) the Secretary determines that such license is required to export such parts;

(2) the Secretary of State and the Secretary of Defense determine that such service or parts should be controlled for national security or foreign policy reasons under this Act; or

(3) the after-market service or replacement parts would materially enhance the capability of an item which was the basis for the item being controlled.

**SA 1498.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, after line 4, insert the following:

**SEC. 311. DESIGNATION OF COUNTRIES IDENTIFIED AS KEY PROLIFERATOR STATES.**

A license shall be required under this Act to export an item to any country that has been identified by the Director of Central Intelligence as a source or supplier of dual-use and other technologies in the most recent report required under section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (or any successor report regarding the

acquisition by foreign countries of dual-use and other technologies that can be used for the development or production of weapons of mass destruction).

**SA 1499.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 177, line 22, strike all through page 178, line 21 and insert the following:

(b) CONSULTATION WITH PERSONS AFFECTED.—The Secretary shall consult regularly with representatives of a broad spectrum of enterprises, labor organizations, nonproliferation and national security experts, and citizens interested in or affected by export controls in order to obtain their views on United States export control policy and the foreign availability or mass-market status of controlled items.

**SEC. 104. RIGHT OF EXPORT.**

No license or other authorization to export may be required under this Act, or under regulations issued under this Act, except to carry out the provisions of this Act.

**SEC. 105. EXPORT CONTROL ADVISORY COMMITTEES.**

(a) APPOINTMENT.—Upon the Secretary's own initiative or upon the written request of representatives of a substantial segment of any industry which produces any items subject to export controls under this Act or being considered for such controls, the Secretary may appoint export control advisory committees with respect to any such items. Each such committee shall consist of representatives of United States industry and Government officials, including officials from the Departments of Commerce, Defense, and State, and other appropriate departments and agencies of the Government. The Secretary shall permit the widest possible participation by the business community and nonproliferation and national security experts on the export control advisory committees.

**SA 1500.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, beginning on line 13, strike all through line 25, and insert the following:

(b) INTERAGENCY DISPUTE RESOLUTION PROCESS.—

(1) INITIAL RESOLUTION.—The duties described in this subsection shall rotate each year among the Secretaries of Defense, State, and Commerce. The appropriate Secretary shall establish, select the chairperson of, and determine procedures for an interagency committee to review initially all license applications described in subsection (a) with respect to which the Department of Commerce and any of the referral departments and agencies are not in agreement. The chairperson shall consider the positions of all the referral departments and agencies (which shall be included in the minutes described in subsection (c)(2)) and make a decision on the license application, including appropriate revisions or conditions thereto.

**SA 1501.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 200, line 9, strike all through page 201, line 13.

**SA 1502.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 186, after line 25, insert the following:

(d) REMOVAL FROM NATIONAL SECURITY CONTROL LIST.—If the Secretary of Commerce, with the concurrence of the Secretaries of State and Defense and in consultation with the Secretary of Energy and the Director of Central Intelligence, determines an item no longer warrants export control, the item shall be removed from the National Security Control List.

(e) COMMENT AND REVIEW BY DEFENSE, STATE, AND ENERGY.—The Secretaries of Defense, State, and Energy may review and identify, on a continuing basis, items which should be considered for the national Security Control List, and initiate action for the consideration of the items identified.

**SA 1503.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, line 23, strike “2” and insert “4”.

**SA 1504.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, beginning with line 6, strike all through page 204, line 6, and insert the following:

(1) ESTABLISHMENT OF OFFICE.—The Secretary of Defense shall establish in the Department of Defense an Office of Technology Evaluation (in this section referred to as the “Office”), which shall be under the direction of the Secretary. The Office shall be responsible for gathering, coordinating, and analyzing all the necessary information in order for the Secretary of Defense to make determinations of foreign availability and mass-market status under this Act.

(2) STAFF.—

(A) IN GENERAL.—The Secretary of Defense shall ensure that the Office include persons to carry out the responsibilities set forth in subsection (b) of this section that have training, expertise, and experience in—

- (i) economic analysis;
- (ii) the defense industrial base;
- (iii) technological developments;
- (iv) nonproliferation; and
- (v) national security and foreign policy export controls.

(B) DETAILEES.—In addition to employees of the Department of Defense, the Secretary may accept on nonreimbursable detail to the Office, employees of the Department of Commerce, State, and Energy and other departments and agencies as appropriate.

**SA 1505.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 298, line 15, after the period, insert the following: “The computer system shall

be fully capable of completing, in a timely and comprehensive manner, a cumulative effects analysis of controlled items that are approved or not approved for export. The analysis shall include an examination of how such items could collectively enhance a country’s military modernization or contribute to the proliferation of weapons of mass destruction, ballistic missiles, and advanced conventional weapons.”

**SA 1506.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 312, beginning on line 9, strike all through page 313, line 3, and insert the following:

(2) AVAILABILITY TO CONGRESS.—

(A) IN GENERAL.—Any information obtained at any time under this title or under any predecessor Act regarding the control of exports, including any report or license application required under this title, shall be made available to any Member, committee, or subcommittee of Congress of appropriate jurisdiction upon the request of the chairman or ranking minority member of such committee or subcommittee.

(B) PROHIBITION ON FURTHER DISCLOSURE.—No committee, subcommittee, or Member of Congress shall disclose any information obtained under this Act or any predecessor Act regarding the control of exports which is submitted on a confidential basis to Congress under subparagraph (A), unless

(i) the full committee to which the information is made available determines that the withholding of the information is contrary to the national interest; or

(ii) the information is disclosed—

(I) to a third party that is not in commercial competition with an entity identified in the information;

(II) for the purpose of conducting a national security analysis, risk assessment, or cumulative effects analysis of the items identified in the information; and

(III) a confidentiality agreement to protect all licensing information from release is entered into by the third party.

**SA 1507.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, line 20, strike “constitutes a serious threat” and insert “could constitute a threat”.

**SA 1508.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, line 2, strike “constitutes” and insert “could constitute”.

**SA 1509.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, line 20, strike “would constitute a significant threat” and insert “could constitute a threat”.

**SA 1510.** Mr. HELMS submitted an amendment intended to be proposed by

him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, beginning with line 20, strike all through page 208, line 4.

**SA 1511.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 219, lines 7 and 8, strike “significant”.

**SA 1512.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 14 and 15, insert the following:

(1) The extent to which a country, pursuant to its national legislation, controls exports consistent with the criteria and standards of relevant multilateral export control regimes.

**SA 1513.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, beginning on line 1, strike all through line 14, and insert the following:

“(i) that the absence of export controls with respect to an item could prove detrimental to the national security of the United States or result in a failure by the United States to adhere to its obligations or commitments under an international agreement or arrangement; or

“(ii) United States controls on the item have been imposed under section 309.”

**SA 1514.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 19 and 20, insert the following:

(4) To use export controls to deter and punish illicit acts of narcotic and psychotropic drug trafficking and production, and to encourage countries to take immediate steps to prevent the use of their country to aid, encourage, or give sanctuary to those persons involved in acts of illicit narcotic or psychotropic drug trafficking.

**SA 1515.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 218, beginning on line 11, strike “and except as provided in section 304.”

**SA 1516.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 324, beginning on line 21, strike all through page 325, line 5.

**SA 1517.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 206, between lines 12 and 13, insert the following:

**SEC. 215. WAIVER.**

The President may waive any restriction imposed under this Act if the President certifies to Congress that it is in the national security interest of the United States to do so.

**SA 1518.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, between lines 20 and 21, insert the following:

(3) **HIGH PERFORMANCE COMPUTERS.**—In any case in which a mass-market status or foreign availability status determination is made for a high-performance computer which otherwise would be subject to the provisions of section 1211 of the National Defense Authorization Act for Fiscal Year 1998, the Secretary's determination under this title shall become effective only upon compliance with the procedures set forth in section 1211(d) of the Act, as amended.

**SA 1519.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 180, lines 11 through 13, strike "in conjunction with other departments and agencies participating in the administration of this Act" and insert "with the concurrence of the department or agency that originated the information".

**SA 1520.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, line 2, strike "and" through "(15)" on line 3, and insert the following:

"(15) a national security analysis, risk assessment, and cumulative effects analyses of items being shipped to tier 3 and tier 4 countries, as well as all countries identified by the Director of Central Intelligence in the most recent report required under section 721 of the Intelligence Authorization Act for fiscal year 1997 (or any successor report) on the acquisition and supply by foreign countries of dual-use items and other technology useful for the development or production of weapons of mass destruction; and  
"(16)".

**SA 1521.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 180, after line 23, insert the following new subsection:

(f) **CERTAIN APPOINTMENTS.**—Any appointment made under subsection (a) to an export control advisory committee relating to an item that must be controlled pursuant to a United States obligation under an inter-

national agreement or arrangement shall be made only with the concurrence of the Secretary of State and the Secretary of Defense.

**SA 1522.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 318, strike "and" on line 2 and all that follows through line 7, and insert the following:

(15) any other reports required by this Act to be submitted to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives; and

(16) upon request, all Department of Commerce information shall be provided to all participants in the interagency process.

**SA 1523.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 206, after line 12, insert the following:

(e) **MEMBERSHIP.**—The Office shall be equally represented by employees of the Departments of State, Commerce, Defense, and Energy.

(f) **DEPUTY ADMINISTRATORS.**—The Deputy Administrator of the Office shall rotate on an annual basis between an employee of the Department of State and an employee of the Department of Defense.

**SA 1524.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, line 19, strike all beginning with "if a NATO or" through "1986," on line 22.

**SA 1525.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 186, strike lines 8 through 15, and insert the following:

(C) The controllability of the item and the effectiveness of controls for national security purposes of the United States.

(D) The threat to the national security interests of the United States if the item is not controlled.

(E) Any other appropriate risk factors.

**SA 1526.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, line 4, strike: "(2) OTHER INQUIRIES.—" and insert:

"(2) **IMPROPER CLASSIFICATIONS.**—If the Secretary of Defense or the Secretary of State determines that the Secretary of Commerce has issued an improper classification, such a classification shall be deemed null and void and the Secretary of Commerce shall notify the exporter of this result.

"(3) **OTHER INQUIRIES.**—".

**AUTHORITY FOR COMMITTEES TO MEET**

**SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS**

Mr. SARBANES. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Tuesday, September 4, 2001, at 2 p.m. in Dirksen 226.

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

**PRIVILEGES OF THE FLOOR**

Mr. ENZI. Mr. President, I ask unanimous consent that Cara Calvert, a new legislative assistant on my staff, be given floor privileges during the remainder of this debate.

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

**TITLE AMENDMENT TO S. 491**

Mr. REID. Madam President, I ask unanimous consent that the title amendment, which is at the desk, to S. 491, as previously passed the Senate, be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

The amendment was agreed to, as follows: "A bill to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Denver Water Reuse project."

**ORDERS FOR WEDNESDAY, SEPTEMBER 5, 2001**

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. tomorrow, Wednesday, September 5. I further ask unanimous consent that on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Export Administration bill.

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

**PROGRAM**

Mr. REID. Madam President, tomorrow the Senate, as indicated, will convene at 10 in the morning. There will be no morning business. The Senate will recess tomorrow, on Wednesday, which is different than our usual Tuesday recesses, from 12:30 to 2:15 for our weekly party conferences.

**ADJOURNMENT UNTIL 10 A.M. TOMORROW**

Mr. REID. Madam President, if there is no further business to come before