

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed until after the disposition of H.R. 1883 under suspension of the rules.

The point of no quorum is considered withdrawn.

IRAN NONPROLIFERATION ACT OF 1999

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1883) to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology and for other purposes, as amended.

The Clerk read as follows:

H.R. 1883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Nonproliferation Act of 1999".

SEC. 2. REPORTS ON PROLIFERATION TO IRAN.

(a) REPORTS.—The President shall, at the times specified in subsection (b), submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report identifying every foreign person with respect to whom there is credible information indicating that that person, on or after January 1, 1999, transferred to Iran—

(1) goods, services, or technology listed on—

(A) 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);

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

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

(D) the Schedule One or Schedule Two list of toxic chemicals and precursors the export of which is controlled pursuant to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; or

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

(2) goods, services, or technology not listed on any list identified in paragraph (1) but which nevertheless would be, if they were United States goods, services, or technology, prohibited for export to Iran because of their potential to make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems.

(b) TIMING OF REPORTS.—The reports under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act, not later than 6 months after such date of enactment, and not later than the end of each 6-month period thereafter.

(c) EXCEPTIONS.—Any foreign person who—

(1) was identified in a previous report submitted under subsection (a) on account of a particular transfer, or

(2) has engaged in a transfer on behalf of, or in concert with, the Government of the United States,

is not required to be identified on account of that same transfer in any report submitted thereafter under this section, except to the degree that new information has emerged indicating that the particular transfer may have continued, or been larger, more significant, or different in nature than previously reported under this section.

(d) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, reports submitted under subsection (a), or appropriate parts thereof, may be submitted in classified form.

SEC. 3. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

(a) APPLICATION OF MEASURES.—Subject to sections 4 and 5, the President is authorized to apply with respect to each foreign person identified in a report submitted pursuant to section 2(a), for such period of time as he may determine, any or all of the measures described in subsection (b).

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

(1) EXECUTIVE ORDER 12938 PROHIBITIONS.—The measures set forth in subsections (b) and (c) of section 4 of Executive Order 12938 shall be applied with respect to that person.

(2) ARMS EXPORT PROHIBITION.—The United States Government shall not sell to that foreign person any item on the United States Munitions List as in effect on August 8, 1995, and shall terminate sales to that person of any defense articles, defense services, or design and construction services under the Arms Export Control Act.

(3) DUAL USE EXPORT PROHIBITION.—The President shall deny licenses and suspend existing licenses for the transfer to that person of items the export of which is controlled under the Export Administration Act of 1979 or the Export Administration Regulations.

(c) EFFECTIVE DATE OF MEASURES.—Measures applied pursuant to subsection (a) shall be effective with respect to a foreign person no later than—

(1) 90 days after the report identifying the foreign person is submitted, if the report is submitted on or before the date required by section 2(b);

(2) 90 days after the date required by section 2(b) for submitting the report, if the report identifying the foreign person is submitted within 60 days after that date; or

(3) on the date that the report identifying the foreign person is submitted, if that report is submitted more than 60 days after the date required by section 2(b).

(d) PUBLICATION IN FEDERAL REGISTER.—The application of measures to a foreign person pursuant to subsection (a) shall be announced by notice published in the Federal Register.

SEC. 4. PROCEDURES IF MEASURES ARE NOT APPLIED.

(a) REQUIREMENT TO NOTIFY CONGRESS.—Should the President not exercise the authority of section 3(a) to apply any or all of the measures described in section 3(b) with respect to a foreign person identified in a report submitted pursuant to section 2(a), he shall so notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate no later than the effective date under section 3(c) for measures with respect to that person.

(b) WRITTEN JUSTIFICATION.—Any notification submitted by the President under subsection (a) shall include a written justifica-

tion describing in detail the facts and circumstances relating specifically to the foreign person identified in a report submitted pursuant to section 2(a) that support the President's decision not to exercise the authority of section 3(a) with respect to that person.

(c) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 5. DETERMINATION EXEMPTING FOREIGN PERSON FROM SECTIONS 3 AND 4.

(a) IN GENERAL.—Sections 3 and 4 shall not apply to a foreign person 15 days after the President reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the President has determined, on the basis of information provided by that person, or otherwise obtained by the President, that—

(1) the person did not, on or after January 1, 1999, knowingly transfer to Iran the goods, services, or technology the apparent transfer of which caused that person to be identified in a report submitted pursuant to section 2(a);

(2) the goods, services, or technology the transfer of which caused that person to be identified in a report submitted pursuant to section 2(a) did not materially contribute to Iran's efforts to develop nuclear, biological, or chemical weapons, or ballistic or cruise missile systems;

(3) the person is subject to the primary jurisdiction of a government that is an adherent to one or more relevant nonproliferation regimes, the person was identified in a report submitted pursuant to section 2(a) with respect to a transfer of goods, services, or technology described in section 2(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

(4) the government with primary jurisdiction over the person has imposed meaningful penalties on that person on account of the transfer of the goods, services, or technology which caused that person to be identified in a report submitted pursuant to section 2(a).

(b) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be submitted in classified form.

SEC. 6. RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.

(a) RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—Notwithstanding any other provision of law, no agency of the United States Government may make extraordinary payments in connection with the International Space Station to the Russian Space Agency, any organization or entity under the jurisdiction or control of the Russian Space Agency, or any other organization, entity, or element of the Government of the Russian Federation, unless, during the fiscal year in which the extraordinary payments in connection with the International Space Station are to be made, the President has made the determination described in subsection (b), and reported such determination to the Committee on International Relations and the Committee on Science of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate.

(b) DETERMINATION REGARDING RUSSIAN COOPERATION IN PREVENTING PROLIFERATION TO

IRAN.—The determination referred to in subsection (a) is a determination by the President that—

(1) it is the policy of the Government of the Russian Federation to oppose the proliferation to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

(2) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such government) has demonstrated and continues to demonstrate through the implementation of concrete steps a sustained commitment to seek out and prevent the transfer to Iran of goods, services, and technology that could make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems, including through the imposition of meaningful penalties on persons who make such transfers; and

(3) neither the Russian Space Agency, nor any organization or entity under the jurisdiction or control of the Russian Space Agency, has, during the 1-year period prior to the date of the determination pursuant to this subsection, made transfers to Iran reportable under section 2(a) of this Act (other than transfers with respect to which a determination pursuant to section 5 has been or will be made).

(c) **PRIOR NOTIFICATION.**—Not less than 5 days before making a determination under subsection (b), the President shall notify the Committee on International Relations and the Committee on Science of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate of his intention to make such determination.

(d) **WRITTEN JUSTIFICATION.**—A determination of the President under subsection (b) shall include a written justification describing in detail the facts and circumstances supporting the President's conclusion.

(e) **SUBMISSION IN CLASSIFIED FORM.**—When the President considers it appropriate, a determination of the President under subsection (b), a prior notification under subsection (c), and a written justification under subsection (d), or appropriate parts thereof, may be submitted in classified form.

(f) **EXCEPTION FOR CREW SAFETY.**—

(1) **EXCEPTION.**—The National Aeronautics and Space Administration may make extraordinary payments that would otherwise be prohibited under this section to the Russian Space Agency or any organization or entity under the jurisdiction or control of the Russian Space Agency if the President has notified the Congress in writing that such payments are necessary to prevent the imminent loss of life by or grievous injury to individuals aboard the International Space Station.

(2) **REPORT.**—Not later than 30 days after notifying Congress that the National Aeronautics and Space Administration will make extraordinary payments under paragraph (1), the President shall submit to Congress a report describing—

(A) the extent to which the provisions of subsection (b) had been met as of the date of notification; and

(B) the measures that the National Aeronautics and Space Administration is taking to ensure that—

(i) the conditions posing a threat of imminent loss of life by or grievous injury to individuals aboard the International Space Station necessitating the extraordinary payments are not repeated; and

(ii) it is no longer necessary to make extraordinary payments in order to prevent imminent loss of life by or grievous injury to

individuals aboard the International Space Station.

(g) **SERVICE MODULE EXCEPTION.**—(1) The National Aeronautics and Space Administration may make extraordinary payments that would otherwise be prohibited under this section to the Russian Space Agency, any organization or entity under the jurisdiction or control of the Russian Space Agency, or any subcontractor thereof for the construction, testing, preparation, delivery, launch, or maintenance of the Service Module if—

(A) the President has notified Congress at least 5 days before making such payments;

(B) no report has been made under section 2 with respect to an activity of the entity to receive such payment, and the President has no information of any activity that would require such a report; and

(C) the United States will receive goods or services of value to the United States commensurate with the value of the extraordinary payments made.

(2) For purposes of this subsection, the term "maintenance" means activities which cannot be performed by the National Aeronautics and Space Administration and which must be performed in order for the Service Module to provide environmental control, life support, and orbital maintenance functions which cannot be performed by an alternative means at the time of payment.

(3) This subsection shall cease to be effective 60 days after a United States propulsion module is in place at the International Space Station.

(h) **EXCEPTION.**—Notwithstanding subsections (a) and (b), no agency of the United States Government may make extraordinary payments in connection with the International Space Station to any foreign person subject to measures applied pursuant to—

(1) section 3 of this Act; or

(2) section 4 of Executive Order 12938 (November 14, 1994), as amended by Executive Order 13094 (July 28, 1998).

Such payments shall also not be made to any other entity if the agency of the United States Government anticipates that such payments will be passed on to such a foreign person.

SEC. 7. DEFINITIONS.

For purposes of this Act, the following terms have the following meanings:

(1) **EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.**—The term "extraordinary payments in connection with the International Space Station" means payments in cash or in kind made or to be made by the United States Government—

(A) for work on the International Space Station which the Russian Government pledged at any time to provide at its expense; or

(B) for work on the International Space Station, or for the purchase of goods or services relating to human space flight, that are not required to be made under the terms of a contract or other agreement that was in effect on January 1, 1999, as those terms were in effect on such date.

(2) **FOREIGN PERSON; PERSON.**—The terms "foreign person" and "person" mean—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other non-governmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(3) **EXECUTIVE ORDER 12938.**—The term "Executive Order 12938" means Executive Order 12938 as in effect on January 1, 1999.

(4) **ADHERENT TO RELEVANT NONPROLIFERATION REGIME.**—A government is an "adherent" to a "relevant nonproliferation regime" if that government—

(A) is a member of the Nuclear Suppliers Group with respect to a transfer of goods, services, or technology described in section 2(a)(1)(A);

(B) is a member of the Missile Technology Control Regime with respect to a transfer of goods, services, or technology described in section 2(a)(1)(B), or is a party to a binding international agreement with the United States that was in effect on January 1, 1999, to control the transfer of such goods, services, or technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime;

(C) is a member of the Australia Group with respect to a transfer of goods, services, or technology described in section 2(a)(1)(C);

(D) is a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction with respect to a transfer of goods, services, or technology described in section 2(a)(1)(D); or

(E) is a member of the Wassenaar Arrangement with respect to a transfer of goods, services, or technology described in section 2(a)(1)(E).

(5) **ORGANIZATION OR ENTITY UNDER THE JURISDICTION OR CONTROL OF THE RUSSIAN SPACE AGENCY.**—(A) The term "organization or entity under the jurisdiction or control of the Russian Space Agency" means an organization or entity that—

(i) was made part of the Russian Space Agency upon its establishment on February 25, 1992;

(ii) was transferred to the Russian Space Agency by decree of the Russian Government on July 25, 1994, or May 12, 1998;

(iii) was or is transferred to the Russian Space Agency by decree of the Russian Government at any other time before, on, or after the date of the enactment of this Act; or

(iv) is a joint stock company in which the Russian Space Agency has at any time held controlling interest.

(B) Any organization or entity described in subparagraph (A) shall be deemed to be under the jurisdiction or control of the Russian Space Agency regardless of whether—

(i) such organization or entity, after being part of or transferred to the Russian Space Agency, is removed from or transferred out of the Russian Space Agency; or

(ii) the Russian Space Agency, after holding a controlling interest in such organization or entity, divests its controlling interest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, today we consider the Iran Nonproliferation Act of 1999, H.R. 1883, which the gentleman from Connecticut (Mr. GEJDENSON), the gentleman from Wisconsin (Mr. SENBRENNER), the gentleman from California (Mr. BERMAN), and I introduced on May 20 of this year.

This bipartisan legislation currently has almost 230 cosponsors and just last week it was reported unanimously by both our Committee on International Relations and our Committee on Science.

The purpose of our legislation is to reverse the very dangerous situation confronting us today in which firms in Russia, in China, in North Korea and elsewhere are transferring to Iran goods, services, and technology that will assist in the development of weapons of mass destruction and missiles capable of delivering such weapons.

In the hands of a rogue state like Iran, these weapons pose a clear and present danger, not only to our friends and allies in the region but also to the tens of thousands of our military personnel in the Persian Gulf and in adjacent areas.

The proliferation of these technologies to Iran has been going on for a number of years. And to its credit, the administration has worked to try to stop this kind of proliferation, but all available evidence indicates that to date their efforts have failed.

The proliferation is as bad today as it has ever been. With support from key supplier nations, Iran has now started work on a medium- to long-range missile, with a range of 3,000 to 5,000 kilometers. Many analysts believe that the volume and pattern of continued transfers from Russia could not exist without their acquiescence, if not encouragement, of at least some elements in the Russian Government.

The purpose of our legislation is to give the administration new tools in which to address this problem, the countries that are transferring these items to Iran powerful new reasons to stop proliferating, and Congress greater insight into just what is happening.

Our legislation picks up where we left off at the end of the last session of Congress. My colleagues will recall that during the 105th Congress we passed a similar bill entitled the Iran Missile Proliferation Sanctions Act. That measure passed both the House and Senate by overwhelming margins but regrettably was vetoed by the President.

The President pleaded with us not to override his veto assuring us that with more time he would be able to resolve the problem diplomatically, and we bowed to his wishes and decided not to seek an override of that veto.

The verdict is now in on that decision. Clearly, the President overestimated his ability to handle this problem diplomatically; and Congress erred in not forcing a vote on that issue. We have learned from that mistake, and we do not intend to repeat it.

This bill contains many important improvements over the legislation that we passed 2 years ago. It takes into account many of the administration's objections to the prior bill, and it refines our approach to the problem.

Mr. Speaker, this is an important measure that will make a vital contribution to our Nation's efforts to reverse the proliferation of dangerous weapons technology to Iran. Accordingly, I urge my colleagues to support this measure, H.R. 1883.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join the gentleman from New York (Chairman GILMAN) in supporting this legislation and commending him for his actions. Clearly, there is great frustration here and at the White House over the failure of the Russian Government to get to a point where it can control the proliferation of serious weapons of mass destruction.

We have been hopeful, frankly, that under Prime Minister Stepashin that we would see some progress in Russia. And there have been a number of promises made; but with the rate that the Russian governments have been changing, we have been seeing very little progress in an area that is critical to our national security and many of our allies throughout the world.

Proliferation is an issue not just in Russia. The Chinese Government has proliferated a number of its most critical technologies and this Congress needs to address all of these issues, but today we focus on Russia. And we should have a policy that both engages Russia and provides penalties when they fail to live up to the agreements that we have reached with them.

The Russians have a significant portion of the world's technology of weapons of mass destruction, and there has been leakage of these systems and these technologies to the Iranians.

The United States has been in this kind of situation before. At the end of World War II, America moved into Germany hiring many of the scientists that had worked for the Nazis to prevent them from working for countries who were our adversaries. Today we find ourselves in a similar situation. The talent and the brain power in Russia can be a great opportunity to move us forward in many areas of peaceful uses of these technologies, but they can also provide a great danger. Whether it is fissionable material or rocket technology, the United States has to take every effort possible to make sure that proliferation is halted.

I join with the chairman and many others in this House in offering this legislation, which we hope will send a very strong message to the Russian Government that as difficult as these times are for them, this is an area where they can allow no seepage, where they have to make the effort to stop

the loss of these technologies to dangerous countries around the globe.

So I commend the chairman for moving this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENBRENNER), the distinguished chairman of the Committee on Science.

Mr. SENBRENNER. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time, and rise in support of this bill, which will assist the administration's efforts to prevent the spread of ballistic missiles and weapons of mass destruction to Iran.

H.R. 1883 contains several provisions that require the administration to report any credible information it receives about the entities transferring technology to Iran.

The bill's teeth, however, are in section 6, over which the Committee on Science has jurisdiction and which the committee unanimously endorsed last week. Section 6 prohibits the administration from transferring any funds to the Russian Government for the International Space Station unless the President determines that it is the policy of the Russian Government to actively oppose proliferation to Iran, that the Russian Government is carrying out that policy, and that the Russian Space Agency and the organizations under its jurisdictions have not transferred technology to Iran.

Some question linking the International Space Station and proliferation arguing that they are separate issues. Using the space program as a nonproliferation tool follows the path the White House laid out in 1993 when it invited Russia into the International Space Station partnership. The White House explicitly linked Russian participation in the Space Station to its goal of discouraging Russia from engaging in proliferation activities, and numerous administration witnesses since then before the Committee on Science and its subcommittees have stated that if Russia proliferates to Iran that is a deal breaker as far as the Space Station goes.

So, H.R. 1883 is consistent with the administration's policies regarding both the Space Station and nonproliferation.

Unfortunately, we have received consistent reports since 1993 that Russia is assisting Iran's efforts to acquire weapons of mass destruction and ballistic missiles. The CIA and the State Department conceded as much in open hearings over the last 2 years.

Faced with such evidence, H.R. 1883 is an appropriate and measured step that Congress can and must take to halt such proliferation. The bill does not change Russia's rights or obligations as a partner in the International Space Station. It does not prohibit NASA from making payments to the Russian Space Agency if the Russian

Government is doing what it promises, namely stopping the flow of technology to Iran. It only prohibits NASA from making such payments if Russia is increasing the threat to our friends, allies, and troops in the Middle East and in Europe.

Congress must not look the other way in the face of proliferation or one day it will come back to haunt us. We must do our part to promote international peace and security. H.R. 1883 is a good first step, and I urge my colleagues to vote in favor of this bill.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I rise in support of H.R. 1883, the Iran Non-proliferation Act of 1999.

I have been a cosponsor of this bill because I feel very strongly about the need to control proliferation of weapons of mass destruction. The end of the Cold War did not mean that we have escaped the threat posed by those who would do harm to us or to our allies in the world. There is a very real threat posed by the proliferation of dangerous weapons technologies into the hand of our enemies. We must do all we can to see that they do not succeed in getting those harmful technologies.

I see H.R. 1883 as one of the ways in which we can help to control proliferation. It sends a strong message to those who would proliferate that the United States will not stand idly by.

This bill is not intended to take away from the efforts currently being made by the administration to control proliferation. Neither is the bill intended to slap in the face those in the Russian Government who are trying to stem proliferation. In fact, I want to note the progress that has been made over the past year by the administration and the Russian Government. There have been positive steps taken. These include the Russian enactment of the federal law of export controls; the Russian adoption as official policy of the Gallucci-Koptev action plan, which is designed to stop all contact between Russian aerospace entities and Iran; the joint Russian-U.S. establishment of export control list; and a number of other substantive actions.

I am encouraged by these initiatives. At the same time, it is important for Congress to signal to those who would proliferate that their actions will have consequences.

I believe that H.R. 1883 sends such a signal. Therefore, I support H.R. 1883, and I urge Members to vote to suspend the rules and pass this important bill.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BURTON), a member of the committee.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for yielding me this time.

Mr. Speaker, we had a hearing not long ago involving some whistleblowers from various agencies of government

and one of the people we had testify before our committee was a man named Jonathan Fox. Mr. Fox is a defense security analyst at the Department of Defense; and in October of 1997, he was asked to write a national security assessment about Communist China and about the agreement for cooperation in the peaceful uses of atomic energy between China and the United States.

Now, Mr. Fox was told that he had to have this national security assessment done by October 25, 1997, because the administration wanted to have everything ready before the state visit of Chinese President Jiang Zemin.

The day after Mr. Fox submitted his memo, he was called by a man who was one of his superiors named Michael Jackson.

He said, okay, how bad is it, about his memo, meaning the reaction to his candid memo? And Mr. Jackson answered, you will be lucky if you still have a job by the end of the day.

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Fox indicated he did not think Johnson was joking. Johnson told him people were upset by the memo and it had to be revised and say that the agreement was not a threat to national security.

Now, I hope everybody gets this straight. He wrote a national security assessment which said that giving any additional nuclear technology or anything that would help them with their nuclear program would be a threat not only to the United States, but to the allies of the United States as well. And just before President Jiang Zemin came over, he got a call from his superior saying, if you do not change this memo to say that they are not a threat, then you are going to be fired.

Now, Mr. Fox said to one of his colleagues he was so concerned about his job because he had a wife and kids and he had been at the Defense Department for a long time that he did change that national security assessment because of the threat to his employment. He said China was not only a threat to the United States of America, but to our allies as well. And because President Jiang Zemin was coming over to meet with President Clinton, he got orders from above to tell him to change that national security assessment 180 degrees to say that China was no threat, or he might lose his job.

Now, I think everybody in this country ought to be concerned about that. If an expert at the Defense Department says there is a national security threat to this country if we continue to give nuclear technology to Communist China and he is ordered by the White House to change that or somebody above him, and the guy said it was high above my pay grade that this order came from, indicating it was way up the chain of command, if people are being told to change national security assessments that threaten our national security, then somebody ought to be hung out to dry.

I came down here today to talk about this because we really do need to impose economic sanctions on those who are proliferating nuclear weapons because it is a threat to everybody in the world; but in particular, we ought to really be going after Communist China because they have been giving nuclear technology that those countries can use, to Iran and to North Korea, and to others; and they are a threat to the security of the United States and to our allies, as Mr. Fox has stated.

I think it is reprehensible that somebody above Mr. Fox's pay grade, and they said it was way above his pay grade, ordered them to change his national security assessment simply because President Jiang Zemin from Communist China was coming over to meet with the President of the United States and they wanted everything to be cool, everything to be on an even keel. It is unbelievable this happened.

This was brought out before my committee, and none of the national media reported it, and I thought it was a shame that they did not. I called ABC, NBC, CBS, and CNN; and I said why would you not think this was a major story, because a national security assessment was made regarding the security of America and our allies and whether or not China was selling nuclear weapons to potential enemies, and they told him that if he did not change it 180 degrees to where it looked like they were not a nuclear proliferator and there was no threat to America, he was going to lose his job, and not one of the networks picked that up. All I can say is shame on them. Shame on them. The American people need to know the truth. At least they got this much of it today.

[From the Committee on Government Reform]

JONATHAN FOX ARMS CONTROL SPECIALIST
DEPARTMENT OF DEFENSE
PROFESSIONAL BACKGROUND

Fox is an Arms Control Specialist in the Defense Threat Reduction Agency (formerly known as Defense Technology Security Agency). Fox's wife also works at the agency as a photographer. Fox fears both he and his wife will be retaliated against for speaking to Congress.

FOX'S CONCERNS

In October 1997, Fox was asked to write a memo regarding the implementation of a 1985 "Agreement for Cooperation in the Peaceful Uses of Atomic Energy" between China and the U.S. The terms of the reciprocal agreement allowed annual opportunities between the U.S. and China to:

Send technical experts to each others' civil reactor sites; observe operations and reactor fueling; exchange and share technical information in the operation and maintenance of nuclear power generative and associated facilities; exchange detailed confidence-building and transparency information on transfer, storage and disposition of fissionable fuels utilized for peaceful purposes; and disclose detailed reactor site operational data, to include energy generated and loading.

In his initial memo, Fox concluded that count "this assessment concludes that the proposed arrangement presents real and substantial risk to the common defense and security of both the United States and allied

countries." Fox pointed out that Chinese past practices as a proliferant presented considerable risks to national security.

Fox said he was told that the memo had to be done by October 25, 1997 because the Administration wanted to have everything ready before the state visit of Jiang Zemin.

The day after Fox submitted the memo, he was called by Michael Johnson. When Fox asked him "OK how bad is it?" [meaning the reaction to his candid memo], Johnson answered: "You'll be lucky if you still have a job by the end of the day." Fox indicated he didn't think Johnson was joking. Johnson told him people were upset by the memo and it had to be revised and say that the agreement is not inimical to U.S. national security. Fox said he told Johnson that everything in the memo was true and Johnson responded, "I know, but that doesn't matter the issue has already been decided far above our pay grade." Johnson said the changes had to be made by 11:30 a.m. that morning. Fox said Johnson also said if he didn't change the opinion, he would have to explain to his Director why a GS-14 was blocking a Presidential summit.

Fox returned to his meeting and discussed the matter with his colleagues (including Peter Leitner). They told him it was a done deal and there was no point in him falling on his sword and fighting this.

Fox called Johnson back to ask what would make him happy and Johnson sent over the revisions that Fox then had a secretary incorporate. Johnson told him to have someone else sign the memo because it would look too obvious if he signed it after having done a memo that was initially so different. The memo was signed out by his boss, who signed it to help him out of a difficult situation.

RETALIATION AND/OR INTIMIDATION

When these matters became subject of an investigation by the Senate Governmental Affairs Committee, Fox spoke with Senate investigators and believes he has been blacklisted since then for telling the truth. He was in line to get a position in DTRA which came to a stop allegedly when David Tarbell heard "things" about Fox.

JONATHAN D. FOX, ARMS CONTROL SPECIALIST, DEFENSE THREAT REDUCTION AGENCY

I. PROFESSIONAL BACKGROUND

Jonathan Fox is currently an Arms Control Specialist at the Defense Threat Reduction Agency ("DTRA") at the Department of Defense (formerly known as the Defense Technology Security Agency or "DTSA"). A lawyer, he was hired by the Department of Defense in 1990, and in 1993 he was detailed to handle counter proliferation duties. In 1997 he was the export control coordinator. He was relieved of those duties in October of 1998 and transferred back to arms control.

He has received "Outstanding" ratings in every category of job performance for the last three evaluations given (1995, 1996 and 1997). Cash bonuses for his job performance have also been recommended. He has not, however, received an evaluation since concerns over retaliation have arisen.

II. FOX'S CONCERNS

In late October of 1997, Fox received an urgent request to review a proposed state-to-state agreement regarding transfer of nuclear technologies from the United States to China. Fox was asked to write an analysis regarding implementation of a 1985 "Agreement for Cooperation in the Peaceful Uses of Atomic Energy" between China and the United States. The terms of this proposed reciprocal agreement allowed annual opportunities for China and the U.S. to:

Send technical experts to each others' civil reactor sites; Observe operations and reactor fueling; Exchange and share technical information in the operation and maintenance of nuclear power generative and associated facilities; Exchange detailed confidence-building and transparency information on transfer, storage and disposition of fissionable fuels utilized for peaceful purposes; and Disclose detailed reactor site operational data, to include energy generated and loaded.

The request came from Mike Johnson, the Deputy Director of Nonproliferation Policy in the Office of Threat Reduction Policy.¹ Fox was told that he had to complete his review by Friday, October 25, 1997. Fox also believes that the document indicated that the deadline was tied to the arrival of Chinese President Jemin that weekend.

On Thursday, October 24, 1997, Fox sent Johnson a fax of his analysis. The document was transmitted at about 8:30 or 9:00 p.m. Fox stated:

"This assessment concludes that the proposed arrangement presents real and substantial risk to the common defense and security of both the United States and allied countries. It is further found that the contemplated action can result in a significant increase of the risk of nuclear weapons technology proliferation. This assessment similarly concludes that the environment surrounding these exchange measures cannot guarantee timely warnings of willful diversion of otherwise confidential information to non-nuclear states for nuclear weapons development. Concurrently, the agreement, as presented, cannot ensure that whatever is provided under this reciprocal arrangement will be utilized solely for intended peaceful purposes."

"[U]nless there exist definite, meaningful verification provisions engrafted upon this diplomatic agreement, there is no practicable way of determining or enforcing adherence to the admittedly peaceful goals enumerated within the proposed reciprocal agreement. Without such bilateral undertakings or unilateral safeguards, the proposed measure presents such significant degree of risk as to be clearly inimical to the common defense and security."

He thought that his analysis might raise concerns, but he felt that he had to be honest.

The next morning, while on his way to a meeting at the State Department, he checked his messages and found that Michael Johnson had called at approximately 8:30-8:45 a.m. He got a beeper notification that Johnson had called and was told that it was urgent. He called from State and couldn't get through. He left his number at the meeting and was pulled out of the meeting at 9:30-9:45 a.m. He was told it was Johnson, and that it was urgent.

Fox began the conversation by asking "Okay, how bad is it?" Johnson responded "You'll be lucky if you still have a job at the end of the day." Fox said Johnson did not sound like he was joking. Fox asked what the problem was and Johnson said: "It's your opinion. People read it. This has got to be revised. It cannot go."

Fox said that the analysis was true. Johnson said: "Yes. It's well written. Too well written. It doesn't matter. The matter has already been decided far above us." Johnson did not elaborate, but Fox got the impression that the decision had been made above Johnson and that Johnson was under the gun. [DoD brought Michael Johnson before Committee investigators to give his side of the story. He maintains that Fox's work was

substandard because it included political and historical observations and was not limited to technical considerations. He claims that he told Fox that the analysis was substandard. Fox states that Johnson did not call his analysis substandard—to the contrary, he says Johnson said "you're right and it doesn't matter." Fox also says that all similar analyses had elements of politics and history included and that Johnson did not reject those analyses.]

Johnson told Fox that if he didn't have a clean technical opinion (an approval) by 11:30, the next call would be to Fox's Director—"he can explain why a GS-14 is blocking a summit." Fox asked Johnson for 15-20 minutes to think about what he had been told. Johnson responded: "clock's ticking." Fox went back into his meeting and discussed what had happened with a number of people (Peter Leitner, Benson, Mihnovets). Benson took him aside and said that the work was good, but that the "fix was in." He was told that he should not be ashamed to give in, and that the matter had been decided at a higher level—that there was no use falling on his sword for this issue. (Fox noted that Leitner incorrectly thought that Fox's immediate superiors were in on the threat. Fox denies this.)

After talking to his colleagues at the State Department meeting, Fox called Johnson back and asked for Johnson to send suggested changes. Johnson faxed him the analysis prepared by Fox with suggested changes. (ATTACHED) Johnson also said that he wanted someone else to sign the analysis because it would be too obvious that Fox had been pressured to change his conclusions if he signed it. Johnson went through a list of types of people who might sign, including Presidential appointees and SESs. Fox said that there were no such people in his immediate section and Fox suggested Dr. Gallaway, a GS-15. [Johnson has a different explanation for the request for a different person to sign the analysis. He now says that it would be routine in an inter-office squabble to have a higher ranking official sign.]

Fox called Gallaway, who was already aware that there was some "excitement" over Fox's analysis. Fox asked for Gallaway's assistance ("ya gotta help me out"). They had a short discussion over whether it would be improper for Gallaway to sign, and whether he would get into trouble. Gallaway said he would help out and sign.

Fox had his secretary transmit a copy of the changed analysis to Gallaway, who reviewed it and signed. Gallaway sent the reworked analysis to Johnson about 12:15 p.m.

III. INTIMIDATION AND/OR RETALIATION

The threat by Johnson

When Johnson said "You'll be lucky if you have a job at the end of the day," Fox became worried. He had only been on the assignment that he was on for 4-5 months. When Johnson threatened to call Fox's Director if a revised opinion was not sent within two hours, and when he said "he can explain why a GS-14 is blocking a summit," Fox was concerned. His director had a fierce reputation. A number of personal factors also combined to make it critical that he not lose his paycheck. In short, he was worried about the worst case scenario of Johnson's criticism leading to him getting fired. [In its briefing to the Committee, DoD lawyers argued that Johnson and Fox were in different chains of command, and that Fox could not have been threatened by Johnson. Johnson, however, certainly appears to be on a higher employment level than Fox. To this end, DoD appears to be misleading the Committee.

¹Footnotes at end of article.

Subsequent call from Johnson

In February of 1999, as Senate investigators prepared to question Fox, Johnson called Fox and gave a different version of what had transpired. Fox said that "it didn't happen that way." He told Johnson "you know you threatened my job." That was the end of the conversation. After this conversation, Johnson gave Fox some more responsibility by making Fox the DoD representative to the Zangger Commission. Johnson was responsible for getting Fox on a delegation that went to Vienna.

Blacklisting from export control issues

Fox states that he has been blacklisted from any involvement with export control matters. Michael Maloof told Technology Security Directorate Director Dave Tarbell that Fox wanted to do more on export control matters. Tarbell agreed to endorse Fox for a job that would enable him to do this. Fox was to be moved to a temporary position that would become permanent.

Shortly thereafter, it became clear that Congressional investigators wanted to talk to Fox. Fox notified DoD General Counsel that he had been contacted by Senate investigators. On a Monday in late February he was interviewed by Eliana Davidson from Pentagon General Counsel's office. On Friday of that same week Fox was interviewed by Senate investigators. Within days Tarbell told Maloof that not only was Fox not welcome to the position that had been under consideration, he was not welcome to any job in export control. Maloof asked "Why?" and was told by Tarbell that he had "heard things." Tarbell declined to be specific.

Fox filed an IG complaint, but the IG was unable to resolve the issue because Tarbell has declined to be specific about what happened. Fox filed an EEO complaint and the investigator who interviewed Tarbell was told that Tarbell received unsolicited information about Fox's capability. Tarbell said he didn't remember who the person was.

Service of subpoena

On June 21, 1999, a Committee staff member went to Mr. Fox's place of employment to serve a subpoena to testify. She was told by the head security guard: "Mr. Fox talked to the public and we don't do that here. He doesn't work here any longer." The subpoena was ultimately served, but the odd exchange prompted Mr. Fox to ask rhetorically whether we think it odd that he is concerned for his job. (See Attached Memo)

FOOTNOTES

¹Fox was shown a copy of the request when interviewed by Senate investigators. Thus, DoD was able to produce the document to the Senate. We asked DoD for this document specifically on June 21 and had not received it as of June 23.

²Conversations are recounted to the best of Mr. Fox's recollection.

DEFENSE SPECIAL WEAPONS AGENCY,
Alexandria, VA, October 23, 1997.

MEMORANDUM

To: OSD/ISP/N&I (Mr. Michael Johnson).

Subject: Review of Reciprocal Arrangement with People's Republic of China.

In 1985, the U.S. and China negotiated an Agreement for Cooperation in the Peaceful Uses of Atomic Energy. As part of the implementation of this agreement, Congress mandates that the President must certify that any reciprocal arrangements concluded thereunder must be designed to effectively ensure that any nuclear materials, facilities or components provided under this agreement be utilized solely for peaceful purposes. Congress has also determined that arrangements concerning information exchanges and visits negotiated under this agreement will be deemed "subsequent arrangements"

pursuant to section 131a of the Atomic Energy Act of 1954, as amended, and subject to the required findings and determinations defined therein, as the parties to this agreement are both nuclear weapon states, diplomatic channels establishing mutually acceptable information exchange and visit arrangements are utilized in lieu of bilateral safeguard provisions.

The United States and China have negotiated an information exchange and technical cooperation reciprocal arrangement which conforms to the definition of a "subsequent arrangement". Pursuant to section 131 of the Atomic Energy Act (42 U.S.C. Sec. 2160), the Department of Energy has requested consultative review of this proposed implementing arrangement in compliance with the provisions of the Nuclear Non-Proliferation Act of 1978. This memo is provided in accordance with the provisions of DSWA Instruction 5100.40 (which governs the agency response to such requests), and details the results of our technical assessment to the Office of Secretary of Defense.

The terms of the reciprocal agreement are relatively simple and direct. The U.S. and China will be afforded annual opportunities to: send technical experts to each others' civil reactor sites; observe operations and reactor fueling; exchange and share technical information in the operation and maintenance of nuclear power generative and associated facilities; exchange detailed confidence-building and transparency information on transfer, storage and disposition of fissionable fuels utilized for peaceful purposes; and disclose detailed reactor site operational data, to include energy generated and loading.

Section 131 of the Atomic Energy Act and related legislation requires a thorough inquiry into such arrangements. The inquiry must address whether the contemplated state action will result in a significant increase of the risk of nuclear weapons technology proliferation. It must also consider whether the information and expertise shared under the proposed reciprocal arrangement could be diverted to a non-nuclear state for use in the development of a nuclear explosive device, and whether the U.S. can maintain an environment where it will obtain timely warning of the imminence of such diversion.

Given that the 1987 MOU between the United States and China on this subject provides for:

1. The right to obtain information required to maintain an inventory of all U.S. supplied items, and of material used in or produced through the use of such items;
 2. The right to confirm periodically, on-site, the accuracy of the inventory and the specified peaceful use of all items on this inventory;
 3. The right to obtain this information, and to conduct on-site confirmation of this information, for as long as any such inventory items remain in China or under its control.
- The Defense Special Weapons Agency determines that the proposed Agreement is not inimical to the common defense or the security of the United States.

DR. GALLAWAY.

OPENING STATEMENT OF JONATHAN D. FOX BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE ON GOVERNMENT REFORM, THURSDAY, JUNE 24, 1999

Mr. Chairman, Members of this honorable House:

I am obliged to appear before you today by order of subpoena. I have neither sought nor solicited this honor. It is an obligation on my part which has arisen through disclosures of a public and independent nature

offer which I have had no control or influence. It is an obligation not without risk, and I would be less than honest if I did not admit that it is undertaken with no small concern for my personal and professional future prospects.

Duty compels me to be here today. It is a duty enforced by the oath I took as an attorney, and as a member of the public service. In its simplest form, it is the duty to obey the law. It is the obligation to afford the workings of the law, and that of a duly constituted legislative inquiry, the utmost respect. And it is the duty to execute those responsibilities entrusted to me without fear or favor.

It is incumbent upon me to tell the truth. It is a key responsibility of public service. I am prepared to answer whatever questions you may have with candor and honesty. My answers will be grounded upon direct knowledge, information and belief. I cannot speculate upon things of which I have no knowledge, and will respectfully decline to do so if called upon. Unfounded speculation will only hinder the progress and credibility of this inquiry, and my respect for this House is too great to engage in such conduct.

Two hundred years ago, President John Adams advised his son John Quincy to "Never let the institutions of polite society substitute for honesty, integrity and character." My father, a concentration camp survivor, memorized that phrase and taught it to me when I was very young. I have always tried to comport my career in public service according to that standard. Whether I have succeeded will be determined, to no small extent, by the impressions you carry away from today's proceedings.

Mr. Chairman, members of this committee, this concludes my opening statement. Thank you for your kind indulgence. I am prepared to answer any questions you may have.

MEMORANDUM

To: Memo to the Jonathan Fox file.

From: Kimberly Reed.

Date: June 21, 1999.

Re Service of Jonathan Fox subpoena.

On June 21, 1999, I served Jonathan Fox a subpoena to testify at a June 24, 1999 hearing on the flow of dual-use technology to China and whistleblowers.

For service, Mr. Fox gave me the DTRA address of 45045 Aviation drive, Dulles, VA 20766-7515. He told me to notify the front desk security guard that I had a congressional subpoena and that he phone the DTRA general counsel's office and Mr. Fox. The rationale for this action was to give the DTRA general counsel's office notice of the subpoena and allow them the opportunity to accept service on behalf of Mr. Fox if this was the normal protocol.

Arriving at DTRA at 1:30, I did as Mr. Fox instructed. The front desk security guard phoned Mr. Fox and then the general counsel's office. After talking to a staff member in the general counsel's office, the security guard told me they were unable to determine the general counsel's protocol for subpoenas (the chief general counsel was away on vacation). While waiting for an answer, the head security guard approached me and asked that I follow her into a room away from the public (the vending machine room), where others could not overhear our conversation. I believe her initials were T.P., but would recognize her name in a list or her by appearance.

The head security guard questioned my actions and I told her "I was to serve a subpoena on Mr. Fox to testify before Congress and wanted to see the appropriate person to serve, whether it be the general counsel or Mr. Fox." She approximately replied: "Mr. Fox talked to the public and we don't do

that here. He doesn't work here any longer." She seemed inquisitive and perplexed by my presence.

I told her that I spoke with Mr. Fox earlier in the day and he was expecting the subpoena and showed her his telephone number. She returned to the front desk, where she was informed that the general counsel didn't need to see the subpoena. She phoned Mr. Fox (who was listed in their phone directory) and arranged to have me serve him at his building—44965 Aviation Drive. I served Mr. Fox at 1:55 pm.

[From the Wall Street Journal, June 10, 1999]

THE ADMINISTRATION QUASHES TRUTH
TELLERS ON CHINA

(By Michael Ledeen)

* * * * *

Despite pressure from the White House, Jonathan Fox, an attorney on the arms-control staff of the Defense Special Weapons Agency, wrote a memo stating with certainty that China was a nuclear proliferator and that the proposed arrangement was "a technology transfer agreement swaddled in the comforting yet misleading terminology of a confidence-building measure." Mr. Fox's memo argued against the agreement on these grounds:

It "presents real and substantial risk to the common defense and security of both the United States and allied countries."

It "can result in a significant increase of the risk of nuclear weapons technology proliferation."

"The environment surrounding these exchange measures cannot guarantee timely warning of willful diversion of otherwise confidential information to non-nuclear states for nuclear weapons development."

There was no guarantee that the nuclear information would be limited to non-military applications in China itself.

Mr. Fox noted that the Chinese chafed at their inferiority to the West and "now [seek] to redress that balance through industrial, academic and military espionage. China routinely, both overtly and covertly, subverts national and multilateral trade controls on militarily critical items." (Those who have been lured into the deceptive debate over when we knew about Chinese espionage should note that civil servants like Mr. Fox, well below the pay grade of National Security Adviser Samuel Berger and Secretary of State Madeleine Albright, were well aware of the general phenomenon).

On Oct. 24, 1997, Mr. Fox was called out of an interagency meeting to receive an urgent telephone call. According to three people to whom he gave a contemporaneous account of the phone conversation, he was given an ultimatum from superiors in the Office of Non-Proliferation Policy in the Department of Defense: either revise the memo and recommend in favor of the agreement, or look elsewhere for employment. (Mr. Fox himself declined to comment on the matter.)

Within an hour, all the critical language had been deleted, and the memo now simply concluded that the agreement "is not inimical to the common defense or the security of the United States." Worried that his earlier draft might fall into unfriendly hands, Mr. Fox's superiors insisted that somebody else sign the new memo.

The arrangement was in place in time for the summit with the Chinese ruler, who was no doubt quite satisfied that his American friends had given him a good-conduct certificate, even though he, Mr. Clinton and the entire American national-security team knew full well that China was spreading militarily useful nuclear technology to such nations as Iran and Pakistan. Indeed, it was precisely this knowledge, and the fear that somebody

in the media or Congress might enunciate it at an embarrassing moment, that drove the administration to silence potential truth-tellers.

Mr. Fox is not the only weapons expert in the government to have been instructed to lie or remain silent about the true consequences of sending military technology to China. Notra Trulock and his colleagues were told by their superiors at the Department of Energy that they should stop annoying people with accounts of Chinese espionage at Los Alamos. Similarly, professionals in the Pentagon such as Michael Maloof and Peter Leitner were told to keep quiet about the approval of high-tech licenses that would strengthen Chinese military power. Both of them spoke out; others remain silent.

But even when the professionals stick by their principles, their superiors have chosen to substitute facts with politically expedient disinformation. On at least two occasions, military experts who argued against high-tech exports to China later discovered that their recommendations had been altered in the Pentagon's computerized data base.

Had President Reagan's appointees attempted such heavy-handed censorship, the Democrats in Congress, constantly on the lookout for cooperative whistle-blowers, would have cried bloody murder. Yet despite being well aware of the level of internal censorship, Republican leaders from Rep. Dick Armey to Sen. Fred Thompson have all but remained silent. Mr. Thompson's Governmental Affairs Committee asked the Pentagon's Inspector General to investigate this matter last August. With the lightning speed that has characterized Republican investigations, the Inspector General's report is due to arrive on June 18, nearly a year later.

Congress's behavior is thus the reverse of what it was during the Reagan years, which is one reason the president has breezed through revelations that would have threatened the tenure of his predecessors. Republicans have yet to present a coherent challenge to the administration's China policy, and for several years have largely ignored the cries of alarm from the professionals who have spent their lives protecting our security.

We don't yet know why Mr. Clinton chose to help arm China and why Congress has been slow to stop it. But one thing ought to be clear: The blame for this scandal lies not in the distant past with the Reagan administration, which tried to prevent our military technology from falling into the hands of real and potential enemies, but with Mr. Clinton, who has consciously and systematically done the opposite. On this point, there must be neither doubt nor silence.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume to say to the gentleman from Indiana that I would hope he would share the documentation of his charges with the members of the committee who are all very interested in seeing it. I have no question of the gentleman, but I would just hope he would share it with other members of the committee.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Indiana.

Mr. BURTON. Mr. Speaker, I would be happy to share them with anyone who would like to see these documents, all of them.

Mr. GEJDENSON. Mr. Speaker, we would be happy to see them.

Mr. Speaker, I ask unanimous consent that the gentleman from Florida

(Mr. WEXLER) control the time that I am in charge of.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, before I do that, I yield 4 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I rise in support of the legislation we are considering, but I want to broaden my comments to deal for a few moments with our overall relations with Russia.

Last week I was in Moscow for a lengthy and substantive discussion with the foreign minister of Russia and for a meeting with the Diplomatic University, which trains the future diplomats of Russia. I think it would be a very serious mistake if we would engage over the course of the next few months in bashing Russia which, in point of fact, with all of their problems, they have made enormous achievements since the collapse of the Soviet Empire.

Now, all of us wish that the evolution of Russia that we have seen this past decade would have been more smooth, would have been more democratic, would have been more friendly to our interests. But I think the fact remains that Russia is about to have free and open parliamentary elections; next year, free and open presidential elections. Every Russian has a passport, they are anxious for American investment, and they are along many lines working with us as a country ready to share with us some international responsibilities as they did in Kosovo.

Now, I think it is extremely appropriate that this piece of legislation deal with placing penalties on Russian institutions that engage in proliferation of weapons and mass destruction technology. But I think it is equally important to keep the problem in perspective. There is an enormous amount of anti-Americanism that permeates Russian society today. This was a society which, 15 years ago, was one of the two super powers on the face of this planet. It is now a destitute, chaotic, Mafia-infested society with enormous material and psychological problems; and I think it is extremely critical that in properly criticizing them for things that they do wrong, and they have done wrong by not controlling the proliferation of weapons, we do not draw the general conclusion that we are going back again to an era of confrontation with Moscow.

There are powerful democratic forces in Moscow. There are important political figures who share our values, and it is important to strengthen the democratic forces in Russia. It is extremely important that we continue strengthening the democratic forces in Russia, because I predict in 10, 15, or 20 years, Russia will again be a great power. Their resources are unlimited. They are a highly talented, well-educated,

impressive quality of people, and I think it is absolutely in our national interests to recognize our overriding concern in developing more cordial, more friendly, more ongoing relations with the people of Russia.

We should also not forget that the Russian Government is facing terrorism from Islamic fundamentalists. In the last 10 days, there were four explosions, taking the lives of hundreds of innocent Russian civilians in the heart of Moscow, in the very heart of Moscow. These people deserve our support, our friendship, and our cooperation; and I call on my colleagues to give it to them.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from Pennsylvania (Mr. WELDON), the distinguished chairman of the Subcommittee on Research and Development of the Committee on Armed Services and a member of the Cox Committee.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in support of this legislation, and I thank my good friend and colleague for yielding to me, and I rise as a good and long-term friend of the Russian people.

Mr. Speaker, I have had the pleasure of traveling to Russia some 19 times. I will be leading another delegation to Russia within the next 30 days. I have over 150 members of the Federation Duma who are personal friends of mine, and I am working on initiatives like developing a housing mortgage financing system for the Russian people, helping them deal with the problem of nuclear waste, helping them encourage more economic investment, helping to strengthen the regions and regional leaders; and right now in fact I have 20 young Russian leaders coming to my district as a part of an exchange program that we started this past summer where 2,000 young Russians are coming to America; and I just initiated a new program to have staff members in this Congress engage and participate with exchanges with staff members of the Russian Duma.

All that being said, this legislation is necessary not because we have a problem with the Russian people, but in my opinion because of the policies of this administration, which have helped cause the instability in Russia, both economically and politically.

Mr. Speaker, proliferation is out of control in Russia, not just in words or rhetoric. I have here, Mr. Speaker, a Russian accelerometer and a Russian gyroscope. These were clipped off of Russian SSM-19 missiles. We caught them, Mr. Speaker, not once, not twice, but three times, being transferred from Russia to Iraq. In fact, Mr. Speaker, we have over 100 sets of these devices.

We did nothing about the transfer, Mr. Speaker. We did not impose the required sanctions under the missile

technology control regime. We basically allowed Yeltsin to tell President Clinton, do not worry, we will conduct a criminal investigation, and nothing happened. So why should we be surprised, Mr. Speaker, if Russia cannot control proliferation?

I did a floor speech last June, which I will include in the RECORD again, at least the study done by the Congressional Research Service. Mr. Speaker, I documented 37 violations of arms control agreements in the last 6 years by Russia and China. Thirty-seven violations. We imposed the required sanctions twice, and that was when we caught China transferring M-11 missiles and ring magnets to Pakistan, and what did we do? After 2 years we waived the sanctions. We saw technology flow to Iran, to Iraq, to Syria, to Libya and North Korea from China and Russia. I was not surprised when India and Pakistan's saber rattled, because we saw Russia transferring technology to India and China transferring technology to Pakistan.

Mr. Speaker, the problems that are inherent here are in many cases our own doing, an administration that has been so preoccupied with not embarrassing the relationship between Boris Yeltsin and Bill Clinton that it does not want to call into question, when we have solid evidence that technology is being sent abroad illegally, and the same problem with the IMF funding. We did not want to embarrass Yeltsin because his crony friends were ripping off billions of dollars of IMF money, and we wonder why Russia is a basket case.

The policies of this Government are turning their head the other way, are ignoring obvious violations of arms control regime violations. An obvious turning of our head when billions of dollars of IMF money is going to the failed oligarchs who corrupted the Russian banking system are many of the reasons why Russia today is a basket case economically and politically.

We passed the Iran missile sanctions bill in the last session with 395 votes in this body, and 96 votes in the Senate, in spite of Vice President GORE lobbying 12 of us personally. The gentleman from New York (Mr. GILMAN) was there, Mr. Hamilton of Indiana was there, Senator LEVIN was there, I was there, twice not to pass that bill, because the Congress has lost confidence that this administration can stop proliferation.

And this is not a Republican issue. Democrats and Republicans have joined together and said to this administration, we cannot keep bolstering up Yeltsin when it is obvious the system around him is corrupt and all we have done is reinforce Yeltsin's leadership, and now we are paying the price.

The Russian people and the members of the Duma look at us and they say, where were you, America, when you basically turned the other cheek and pretended these transfers were not taking place? Where were you, America, when

Yeltsin's cronies were siphoning off billions of dollars of IMF funding? Why did you not call into question what Yeltsin's cronies were doing? Why did you not call into question Yuri Koptev in the space agency when these transfers were taking place? Is it any wonder, Mr. Speaker, that the Russian people have lost their confidence in America as a friend and partner?

The 95 percent of the Russian people, Mr. Speaker, who are good and decent people, who are not members of the Communist oligarchy, many of whom took over the reigns of the Yeltsin administration, they see through this charade in Russia. These people saw the IMF money being bilked away, these people saw this kind of technology being sold abroad time and again, and they saw this country and this President ignoring the realities of the instability just so that Yeltsin could be reelected again.

We have a terrible crisis on our hands, Mr. Speaker. I agree with the last individual who spoke. This should not be a time to bash Russia as a nation, nor the Russian people, nor the emerging Russian leaders; and they know my position very clearly on these issues.

□ 1215

This is a time where we have to call into question our administration for helping to foster and encourage this kind of instability in Russia today.

We need to pass this legislation, not to create the feeling in Russia that somehow they are our enemy, because they are not. We need to pass this legislation because we need to let Russia know that we will no longer tolerate incompetence, gross abuse, and tolerate the illegal activities that the Yeltsin government foisted on the Russian people for the past 7 years while we turned our heads, pretending that these situations were not real.

I urge my colleagues to support this legislation, as they did 2 years ago. In fact, Mr. Speaker, when President Clinton vetoed the bill that the distinguished chairman and the distinguished gentlewoman from California, Ms. Harman, introduced in the House, we could have overridden that veto. But it was the Speaker of the House, a month before the congressional elections, who said that we would not be allowed to vote to override the President's veto.

I am convinced had we had that vote, with the support of AIPAC, and they were in the room when we met with the Speaker, with the support of those people concerned with proliferation, we would have sent this administration this signal 2 years ago.

Here we are 2 years later. Technology is still flowing. The fat cat oligarchs are still getting richer and the Russian people are still suffering. I urge my colleagues to support this legislation.

Mr. WEXLER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

(Mr. ROTHMAN asked and was given permission to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, I want to thank the gentleman for yielding time to me.

Let me see if I can remind my friends in this body that we are talking today about the Iran Nonproliferation Act of 1999. We are talking about the Iran Nonproliferation Act.

We live in a hostile and dangerous world. One of the reasons why the world is so hostile and dangerous is because there are nations like Iran who are committed to wreaking havoc in their region and literally all over the globe. If Iran were to be successful in its intended desire to send weapons of mass destruction, biological, chemical, and nuclear devices, not only to our friends and allies in the Middle East but to our friends and allies in Europe, they also would love to develop and have intended to develop the technology to send those weapons of mass destruction to the United States of America. That is why I support the Iran Nonproliferation Act of 1999.

So it is important for us to keep our eye on the ball here in Congress, and note that with regard to this law that we are proposing, we want to remind everyone that it is Iran, as well as Iraq and North Korea, who make this world dangerous, but this bill has to do with Iran.

I would also like to say it is a reminder to nations like Russia and China that the Congress of the United States will not forgive their assisting Iran in developing these weapons of mass destruction and the technology to deliver these weapons to not only the United States but to our allies around the world.

There is a great deal of wishful thinking with regard to our enemies. We in America would like to believe that people around the world have as good intentions, as warm hearts, as we do. Not everyone is like us.

The people of Iran need to create a government in Iran which will stop threatening the peace of the world. That is not the case yet. Iran is a danger to the world. It must be isolated, it must be stopped, until they are ready to join the family of nations in peace. This legislation will help.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Florida (Mr. WEXLER) has 8 minutes remaining and the gentleman from New York (Mr. GILMAN) has 2 minutes remaining, so the Chair will continue to recognize the gentleman from Florida (Mr. WEXLER) to yield time.

Mr. WEXLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, as a cosponsor of this legislation and one who has strongly supported and will continue to support disarmament and peace initiatives throughout the world, I rise in strong support of H.R. 1883. It is my belief that this legislation will move us

one step closer to nonproliferation of weapons of mass destruction in the Middle East and throughout the world by taking actions to stop foreign companies from exporting goods, services, and technology that can make a material contribution to Iran's weapons of mass destruction programs.

I believe we must take any and all actions to stop the spread of weapons of mass destruction in the Middle East and throughout the world.

The statistics of weapons of mass destruction are terrifying, to say the least. In terms of nuclear weapons, for example, we know that over 36,000 nuclear warheads exist between the nuclear powers.

I have just returned from a visit to Israel with several of my colleagues. The security concerns of the entire region are great, but so are the prospects for peace. This bill, the Iran Nonproliferation Act, moves us toward both, peace and security.

Foreign companies, just as any company, are in the business of making profits. Exporting goods, services, and technology that contribute to Iran's weapons of mass destruction program allows billions of dollars to be made to create a more hostile region and a more hostile world. This bill is a serious effort to tailor sanctions to foreign companies that are the true wrongdoers.

As we move into the next millenium, we need to work with Russia, our friend in the Middle East, and those who are not our friends to find ways to create security and a lasting peace for our children. Selling technology that would destroy the world certainly takes us in the wrong direction.

I thank the gentleman from New York (Mr. GILMAN) of the Committee on International Relations, and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for moving forward with this legislation in a bipartisan manner. I join and urge my colleagues to support H.R. 1883.

Mr. WEXLER. Mr. Speaker, I yield 4½ minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding me the time.

First, I would like to express my sincere appreciation to the gentleman from New York (Chairman GILMAN) for introducing the legislation, for allowing me to be a participant in the development of the legislation and its cosponsorship, and to the Republican leadership for putting the bill over until after the recess to deal with some of the concerns and misunderstandings that I think would have existed which would have impeded the progress of this bill, had we rushed to a markup the last week before the recess. I do appreciate that delay.

I rise in very strong support of the bill. The purpose of this legislation is not to bash Russia. It is not to kill the Space Station. It is not even to bash Iran.

One thing we know, it has been reported everywhere and we all know it, Iran is on a program to develop nuclear, chemical, biological weapons and the ballistic missiles to deliver those weapons. Iran has determined that that is in their national interests.

A recent CIA report estimates that in the next few years Iran could test a long-range missile capable of delivering a small payload to many parts of the United States. Within a decade, Iran could test a more advanced nuclear-capable ICBM.

Again, my goal is not to demonize Iran. I would welcome improved U.S. ties with Iran. If they would simply stop supporting Hamas and other terrorist groups who seek to disrupt the Middle East peace process, release the 13 Jews currently in detention, and otherwise moderate their behavior, I would like to have our relationship with Iran improve.

But no matter what the status of our bilateral relationship, it will always be in our clear interest to prevent or delay Iran's acquisition of weapons of mass destruction. I doubt we will ever convince the Iranians to halt their weapons programs. Therefore, the next best thing we can do is to do everything in our power to cut off the flow of technology and expertise from other countries to Iran.

This legislation will do several things. First, it will help us get a more complete picture of which foreign entities are transferring technology to Iran, and authorize, he already has the power, but authorize, it will authorize even more clearly, but not require, the President to impose sanctions on those entities.

Congress has a right to know and understand the full extent of the proliferation to Iran. This bill helps to provide that information to the Congress. The bill will also limit extraordinary payments to Russia for the international Space Station. Certain exemptions have been made, but it will limit the extraordinary payments and new programs on the Space Station; in other words, payments for work that Russia already pledged to do at their own expense, unless the President certifies that the Russian Government is taking concrete steps to stop proliferation and that the Russian space agency and the entities under its jurisdiction or control have stopped making unauthorized transfers.

I do not want to bash Russia. I am not interested in playing the blame game, as some of my colleagues are right now, for this situation in Russia and the U.S. policy towards Russia.

I believe, particularly in the last couple of years, that this administration has made great efforts to try and persuade the Russians to do more to stop the proliferation. I believe Russia and its top leadership understand that proliferation to Iran is no more in their interest than it is in our interest.

But the fact is that if, in a program that we are participating in through

the Russian space agency, they allow their own subsidiaries and subordinate agencies that they can control to proliferate and to continue that technology, they should not expect to be partners with us in new programs. They have to make a choice.

The entity that is a joint venture, the entity that is a joint venture with us, with Lockheed on the launches, has understood that and has made that choice, and has resisted any temptations to proliferate. We want the Russian space agency to do the same thing with all their agencies. That is why this legislation, prospective in nature, is being introduced.

I congratulate the chairman, again, and the other cosponsors, and urge its adoption.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly urge my colleagues to think twice before believing recent rumors that the Iranian government has moderated its hardline policies towards the United States and our allies in the Middle East. The so-called moderate Iranian government has not ended its program to build weapons of mass destruction, and it continues to support terrorist groups that commit up conscience acts of death and destruction.

The Iranian government also remains adamantly opposed to the Middle East peace process. Make no mistake about it, an unstable Iranian regime with weapons of mass destruction is a threat to the entire world and to the fragile peace evolving in the Middle East.

Since the end of the Cold War, missile and weapons technology has flowed unhindered from foreign companies to Iran. The United States must lead the fight to stop foreign companies from exporting their services and technologies to Iran. H.R. 1883 allows the United States to sanction foreign companies contributing to Iran's weapons buildup.

Russian companies in particular have been guilty of providing the Iranian government with weapons technology. The Iran Nonproliferation Act holds the Russian government and Russian companies accountable for the flow of technology and services reportedly transferred to Iran.

The greatest threat to the security of the United States in the next century will be posed by nations that are governed by unstable regimes like Iran, Iraq, and North Korea that are developing weapons of mass destruction. Our own intelligence agencies have warned us that in a short time these nations may have the capability to strike cities in the United States.

I strongly urge my colleagues to support this legislation and send a strong message that the United States will not tolerate individuals and companies aiding rogue regimes in their deadly efforts.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman on the other side for making this a strong bipartisan appeal to stop this kind of action in supporting Iran's development of long-range missiles. 5

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support this bill. Initially, I was hesitant to support the Iran Nonproliferation Act of 1999. But this bill has undergone many changes in the International Relations Committee and in the Science Committee, of which I am a Member, and I am hopeful that this bill will adequately prevent nuclear proliferation while providing fair treatment to our Russian counterparts.

I am cognizant of the continuing United States concerns with nuclear proliferation, and clearly we all understand the significance and importance of the proliferation issue. We must keep ever vigilant for the leakage of our military secrets, and I have been an ardent supporter of nonproliferation policies. I realize from my briefings on the subject that Iran seems determined to develop a nuclear weapons program. Their ballistic missile arsenal already contains the Shahab 4 and the Shahab 3 missile and there is an apparent effort to develop a new missile called the Kosar. It is even more evident from the nuclear race between India and Pakistan that the United States has a vested interest in seeing further proliferation halted. As we strive towards our goal we must ensure that our good intentions are not misdirected.

I appreciate Representative WELDON's amendment to this bill in the Science Committee, and this amendment has done much to clarify the definition of "maintenance" in regards to the Service Module. I must acknowledge my disappointment in the fact that I was unable to add "safety functions" to this amendment. Considering that the amendment included environmental control, life support, and orbital maintenance under the definition of activities under maintenance, it seems to me that "safety functions" logically should be included in this list. It is my hope that the intent of the bill will incorporate this notion.

The Iran Nonproliferation Act of 1999 creates Congressional oversight of proliferation to Iran by requiring the President to report to Congress every six months regarding all foreign entities and any transfers of goods, services, or technologies to Iran. The bill also authorizes the President to apply punitive measures to those entities that permit the proliferation to Iran.

This piece of legislation does not require the President to apply punitive measures; instead it simply gives him the option to do so. We do not want to implement procedures that are too harsh, nor do we want to diminish the authority of the President.

This bill comes under the jurisdiction of Committee on Science because of Section 6. This legislation could prohibit our Nation from making "extraordinary payments in connection with the International Space Station" to the Russian Space Agency or entities under the Russian Space Station jurisdiction unless the President determines that it is the policy of the Russian government to oppose proliferation to Iran.

While we want to preserve our country's military secrets, we must also remain fair to

our Russian partners. It is worth noting that the administration has already moved to curb the proliferation of weapons of mass destruction and is also committed to imposing trade sanctions on those who violate the Missile Technology Control Regime. A year ago, the administration sanctioned seven Russian aerospace enterprises for possible violations of the Missile Technology Control Regime. Potentially lost in this issue is the fact that Russian Space Agency has attempted to make the transition from military technology to civilian and space related technology. One reason that this transition has been slow is because Russia simply cannot pay its scientists to complete the transition. As confirmed by NASA the subsidies to the Russian Space Agency coupled with the work that they perform on the International Space Station help America's non-proliferation policy.

This bill has come a long way. I am glad that we have done much to improve it, for we do not want to alienate our Russian partners, nor do we want to undermine the efforts of NASA. While I can appreciate the national security interests that have guided this bill to us, I am fully aware of the concerns expressed by NASA. NASA seems concerned about Russian reaction to the passage of this bill. A negative reaction by the Russians could erode away the sense of goodwill that has been forged by the International Space Station.

I am hopeful that this bill will have the desired effect on the proliferation of our country's secrets, and for that reason, I support his bill.

Mr. CLEMENT. Mr. Speaker, I rise today in strong support of H.R. 1883, the Iran Nonproliferation Act. As a cosponsor of this measure, it is my hope that the House will adopt this bill. As a member of the International Relations Committee and a strong supporter of Israel, I believe that we must send a strong signal to Iran that we will not tolerate nuclear proliferation. We must not tolerate countries supplying military technology to Iran which has flight tested a missile capable of hitting Israel.

The threat of nuclear proliferation is not only a serious destabilizing force in the Middle East, but it endangers American interests as well. Maintaining and enhancing the political and economic stability of our allies in the region and supporting the Middle East peace process must be two of our top foreign policy goals for this part of the world.

I urge my colleagues to support this bill and send a clear signal that we will not tolerate nuclear proliferation and that we are determined to do what is necessary to bring peace to this troubled region.

Mr. NETHERCUTT. Mr. Speaker, I strongly support this legislation and am proud to be a cosponsor. We send a clear message to Russia with this legislation that any assistance to Iran with weapons of mass destruction or missile systems will be grounds for ending fruitful scientific relationships with the United States. We are forcing Russian scientists and government entities to choose between a symbol of international peace, the space station, and the proliferation of deadly technologies.

When the Science Committee considered this legislation last week, it accepted an amendment I offered that tightens the bill slightly. The Government of Russia has consistently argued that "rogue" elements within the scientific and military establishment are exporting deadly technologies to Iran. It is

conceivable that this fiction could be maintained, and private labs or independent agencies could continue to proliferate to Iran, even as they receive taxpayer funding for work on the ISS. This legislation ensures that this would not be the case, as the bill now prohibits extraordinary payments for the ISS to any foreign person or entity that Secretary of State finds has materially contributed or attempted to contribute to the proliferation of WMD or missile technology. The legislation also prohibits the indirect financing of such proliferators through another entity. For example, NASA could not make a payment to the RSA if it knew that a subcontractor for the work was involved previously with proliferation.

This is consistent with Executive orders 12938 and 13094 which prescribe procurement, assistance, and import bans for proliferating entities or countries. The current legislating essentially codifies these Executive Orders, raising their profile and raising the stakes for Russian entities that choose to engage in proliferative activities.

With this bill, we demonstrate to Russian entities that there is a long-term consequence to cooperating with Iran on missile or WMD programs. H.R. 1883 terminates ISS funding for these Russian labs if they have been designated as proliferators subject to the executive orders.

As the President said in his statement on EO 13094, "being able to offer both incentives and disincentives enhances our capacity to deal with these threats." Clearly, this bill also allows for incentives and disincentives. Russian entities are encouraged to work with NASA on space station issues and are firmly discouraged from working with Iran. In a statement on the same Executive Order, Vice President GORE said that "today's Executive Order . . . will explicitly bar assistance to and imports from entities now being investigated by Russia." Again, we are going no further than the Administration's stated intent of barring assistance to proliferative entities. This is an important bill and I urge my colleagues to support it.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of H.R. 1883, the Iran Non-proliferation Act of 1999.

Everyone in this Congress is aware that Iran has continually threatened the peace and security of the Middle East. Even today, Iran is still committed to the destruction of Israel, opposes the Middle East peace process and supports terrorist groups such as Hamas. In fact, Iran remains the world's leading sponsor of international terrorism.

Despite these very real security concerns, cash strapped Russia has supported the \$800 million Bushehr project, a 1000-megawatt light-water reactor, in southern Iran.

Why Iran needs such a reactor remains an open question because Iran has one of the world's largest oil and natural gas reserves. However, many security experts believe that such projects provide good cover to a nuclear weapons program and provide Iranian technicians with expertise in the development of nuclear weapons.

These developments, along with Iran's successful test of the Shahab-3 missile, with a range of 800 miles, pose the greatest risk to Middle Eastern stability in history.

Mr. Speaker, the results of an Iran armed with nuclear weapons are almost too horrifying to imagine. But, if current trends continue, it

may become an all too real nightmare for the United States and our Middle Eastern allies.

Former Israeli Prime Minister Binyamin Netanyahu put it best when he stated, "The building of a nuclear reactor in Iran only makes it likelier that Iran will equip its ballistic missiles with nuclear warheads . . . Such a development threatens peace, the whole region and in the end, the Russians themselves."

Given the potential threat of a nuclear-armed Iran, I believe it appropriate to withhold the \$590 million in U.S. assistance for the Russian contribution to the International Space Station.

If Russian policymakers see the danger of their activities, they can certify that they are not transferring technology that would help develop weapons of mass destruction and aid will resume.

Mr. Speaker, the House took similar action when we passed H.R. 1477, the Iran Nuclear Proliferation Prevention Act of 1999 by a vote of 383 to 1. H.R. 1477 withholds the U.S. voluntary contributions from programs and projects of the International Atomic Energy Agency in Iran unless the Secretary of State makes a determination that they will not provide Iran with training or expertise relevant to nuclear programs' development.

I was proud to be an original cosponsor of the Iran Nuclear Proliferation Act, and I am proud to be a cosponsor of the Iran Non-proliferation Act.

Mr. Speaker, H.R. 1883 passed the International Relations Committee, on which I am proud to serve, by a vote of 33 to 0. I urge my fellow Members to give this legislation the same overwhelming support on the floor, that we gave it in Committee.

Mr. LAMPSON. Mr. Speaker, I listened very carefully to Chairman SENSENBRENNER's opening remarks during the hearing on this bill a couple of months ago. He stated that "We must ensure that the Russian government is not facilitating the proliferation of missile technology * * * If the President finds that Russia is contributing to Iran's attempts to acquire weapons of mass destruction and ballistic missiles, then the bill prohibits NASA from transferring U.S. tax dollars to the Russian Space Agency and any enterprise under its jurisdiction." I can't agree more with the intent of this statement.

During Committee markup, I had planned on offering an amendment to this bill that I believe would have clarified and honored the original intent of the bill by changing the nature of Section 6 to one that would have prohibited payments if proliferation was to occur, but wouldn't require advance certification that it hasn't. No one will disagree, I believe, that we should punish cheating, and this amendment would have achieved that goal in a less burdensome manner than the existing provision.

However, I decided against offering this amendment. While I still have major concerns that Section 6 will not materially improve the effectiveness of this legislation in discouraging weapons technology transfer to Iran, and will cast a shadow over the greatest example of international cooperation in the peaceful use of space, I will reluctantly support H.R. 1883. That being said, I will diligently work to have the section relating to Space Station removed as soon as possible. I continue to believe that singling out Space Station is not the answer to

stopping proliferation—Russian contributions to the International Space Station, a permanently inhabited research facility in space, in fact are not close to the weapons technologies that are of so much concern to us, and we should encourage the Russians to continue on with us in the peaceful exploration of space.

In addition, the reporting requirements of Section 6 unnecessarily duplicate other sections of the bill. Section 2 already requires that the President identify every Russian against whom "credible information" exists regarding tech transfers to Iran. This is, in fact, a harder test than the requirement for a "policy" certification from the President. I support this bill with the hope that my concerns will be addressed by all parties involved, at a later date.

Mr. HALL of Texas. Mr. Speaker, I would like to speak in support of H.R. 1883. As you know, I am a cosponsor of H.R. 1883. I think that it is a useful bill, and one which I believe has been improved by an amendment that I offered at the Science Committee's markup of the bill last week. I am pleased to see that my language has been included in the bill that is before the House today. Basically, my amendment shortened the notification requirements in order to avoid unnecessary bureaucratic delays and costs that do nothing to enhance our security.

In addition, it corrected a problem that had arisen when an amendment was adopted by the Science Committee's Space Subcommittee in its markup of the bill. That Subcommittee markup had included an amendment requiring partial transfer of Service Module ownership to the United States in the event of any extraordinary payments. My amendment changed that to "goods and services". The issue of transferring ownership of the Service Module is a complicated one in light of the existing international agreements. And I don't think that we'd really want to own part of the Service Module in any event.

Most members would agree with me, I think, that controlling the proliferation of weapons of mass destruction is one of the most important challenges facing our nation. I think that this bill helps address that challenge, and I urge Members to vote to suspend the rules and pass H.R. 1883.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 1883, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This 15-minute vote on H.R. 1883 will be followed by a 5-minute vote on the motion to instruct conferees offered by the gentlewoman from California (Ms. PELOSI).

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 409]

YEAS—419

Abercrombie	Allen	Armey
Ackerman	Andrews	Bachus
Aderholt	Archer	Baird

Baker	Edwards	LaFalce	Rahall	Shimkus	Tiahrt	[Roll No. 410]	
Baldacci	Ehlers	LaHood	Ramstad	Shows	Tierney	AYES—419	
Baldwin	Ehrlich	Lampson	Rangel	Shuster	Toomey		
Ballenger	Emerson	Lantos	Regula	Simpson	Towns	Abercrombie	Kanjorski
Barcia	Engel	Largent	Reyes	Sisisky	Traficant	Ackerman	Diaz-Balart
Barr	English	Larson	Reynolds	Skeen	Turner	Adherholt	Dickey
Barrett (NE)	Eshoo	Latham	Riley	Skeltton	Udall (CO)	Allen	Dicks
Barrett (WI)	Etheridge	LaTourette	Rivers	Slaughter	Udall (NM)	Andrews	Dingell
Bartlett	Evans	Lazio	Rodriguez	Smith (MI)	Upton	Archer	Dixon
Barton	Everett	Leach	Roemer	Smith (NJ)	Velazquez	Armey	Doggett
Bass	Ewing	Lee	Rogan	Smith (TX)	Vento	Bachus	Dooley
Bateman	Farr	Levin	Rogers	Smith (WA)	Visclosky	Baird	Doolittle
Bentsen	Filner	Lewis (CA)	Rohrabacher	Snyder	Vitter	Baker	Doyle
Bereuter	Fletcher	Lewis (GA)	Rothman	Spencer	Walden	Baldacci	Dreier
Berkley	Foley	Lewis (KY)	Roukema	Souder	Walsh	Baldwin	Duncan
Berman	Forbes	Linder	Roybal-Allard	Spratt	Wamp	Ballenger	Dunn
Berry	Ford	Lipinski	Royce	Stabenow	Waters	Barcia	Edwards
Biggert	Fossella	LoBiondo	Rush	Stark	Watkins	Barr	Ehlers
Bilbray	Fowler	Lofgren	Ryan (WI)	Stearns	Watt (NC)	Barrett (NE)	Ehrlich
Billirakis	Frank (MA)	Lowe	Ryun (KS)	Stenholm	Watts (OK)	Barrett (WI)	Emerson
Bishop	Franks (NJ)	Lucas (KY)	Sabo	Strickland	Waxman	Bartlett	Engel
Blagojevich	Frelinghuysen	Lucas (OK)	Salmon	Stump	Weiner	Barton	English
Bliley	Frost	Luther	Sanchez	Stupak	Weldon (FL)	Bass	Eshoo
Blumenauer	Gallegly	Maloney (CT)	Sanders	Sununu	Weldon (PA)	Bateman	Etheridge
Blunt	Ganske	Maloney (NY)	Sandlin	Sweeney	Weller	Becerra	Evans
Boehlert	Gejdenson	Manzullo	Sanford	Talent	Wexler	Bentsen	Everett
Boehner	Gekas	Markey	Sawyer	Tancred	Weygand	Bereuter	Ewing
Bonior	Gephardt	Martinez	Saxton	Tanner	Whitfield	Berkley	Farr
Bono	Gibbons	Mascara	Scarborough	Tauscher	Wicker	Berman	Filner
Borski	Gilchrist	Matsui	Schaffer	Tauzin	Wilson	Berry	Fletcher
Boswell	Gillmor	McCarthy (MO)	Schakowsky	Taylor (MS)	Wise	Biggert	Foley
Boucher	Gilman	McCarthy (NY)	Scott	Taylor (NC)	Wolf	Bilbray	Forbes
Boyd	Gonzalez	McCollum	Sensenbrenner	Terry	Woolsey	Billirakis	Ford
Brady (PA)	Goode	McCrery	Serrano	Thomas	Wu	Bishop	Fossella
Brady (TX)	Goodlatte	McGovern	Sessions	Thompson (CA)	Wynn	Blagojevich	Fowler
Brown (FL)	Goodling	McHugh	Shadegg	Thompson (MS)	Young (AK)	Bliley	Frank (MA)
Brown (OH)	Gordon	McInnis	Shays	Thornberry	Young (FL)	Blumenauer	Franks (NJ)
Bryant	Goss	McIntosh	Sherman	Thune		Blunt	Frelinghuysen
Burr	Graham	McIntyre	Sherwood	Thurman		Boehlert	Frost
Burton	Granger	McKeon				Boehner	Gallegly
Buyer	Green (TX)	McKinney				Bonilla	Ganske
Callahan	Green (WI)	McNulty	Becerra	Jefferson	Porter	Bonior	Gejdenson
Calvert	Greenwood	Meehan	Bonilla	Jones (NC)	Pryce (OH)	Bono	Gekas
Camp	Gutierrez	Meek (FL)	Deal	Kaptur	Ros-Lehtinen	Borski	Gephardt
Campbell	Gutknecht	Meeks (NY)	Fattah	Kingston	Shaw	Boswell	Gibbons
Canady	Hall (OH)	Menendez	Hastings (FL)	McDermott		Boucher	Gilchrist
Cannon	Hall (TX)	Metcalf				Boyd	Gillmor
Capps	Hansen	Mica				Brady (PA)	Gilman
Capuano	Hastings (WA)	Millender-				Brady (TX)	Gonzalez
Cardin	Hayes	McDonald				Brown (FL)	Goode
Carson	Hayworth	Miller (FL)				Brown (OH)	Goodlatte
Castle	Hefley	Miller, Gary				Bryant	Gordon
Chabot	Herger	Miller, George				Burr	Goss
Chambliss	Hill (IN)	Minge				Burton	Graham
Chenoweth	Hill (MT)	Mink				Callahan	Granger
Clay	Hilleary	Moakley				Calvert	Green (TX)
Clayton	Hilliard	Mollohan				Camp	Green (WI)
Clement	Hinchey	Moore				Campbell	Greenwood
Clyburn	Hinojosa	Moran (KS)				Canady	Gutierrez
Coble	Hobson	Moran (VA)				Cannon	Gutknecht
Coburn	Hoeffel	Morella				Capps	Hall (OH)
Collins	Hoekstra	Murtha				Capuano	Hall (TX)
Combest	Holden	Myrick				Cardin	Hansen
Condit	Holt	Nadler				Carson	Hastings (WA)
Conyers	Hooley	Napolitano				Castle	Hayes
Cook	Horn	Neal				Chabot	Hayworth
Cooksey	Hostettler	Nethercutt				Chambliss	Hefley
Costello	Houghton	Ney				Chenoweth	Herger
Cox	Hoyer	Northup				Clay	Hill (IN)
Coyne	Hulshof	Norwood				Clayton	Hill (MT)
Cramer	Hunter	Nussle				Clement	Hilliard
Crane	Hutchinson	Oberstar				Clyburn	Hinchey
Crowley	Hyde	Obey				Coble	Hinojosa
Cubin	Inslee	Olver				Coburn	Hobson
Cummings	Isakson	Ortiz				Collins	Hoeffel
Cunningham	Istook	Ose				Combest	Hoekstra
Danner	Jackson (IL)	Owens				Condit	Holden
Davis (FL)	Jackson-Lee	Oxley				Conyers	Holt
Davis (IL)	(TX)	Packard				Cook	Hooley
Davis (VA)	Jenkins	Pallone				Cooksey	Horn
DeFazio	John	Pascrell				Costello	Hostettler
DeGette	Johnson (CT)	Pastor				Cox	Houghton
Delahunt	Johnson, E. B.	Paul				Coyne	Hoyer
DeLauro	Johnson, Sam	Payne				Cramer	Hulshof
DeLay	Jones (OH)	Pease				Crane	Hunter
DeMint	Kanjorski	Pelosi				Crowley	Hutchinson
Deutsch	Kasich	Peterson (MN)				Cubin	Hyde
Diaz-Balart	Kelly	Peterson (PA)				Cummings	Inslee
Dickey	Kennedy	Petri				Cunningham	Isakson
Dicks	Kildee	Phelps				Danner	Istook
Dingell	Kilpatrick	Pickering				Davis (FL)	Jackson (IL)
Dixon	Kind (WI)	Pickett				Davis (IL)	Jackson-Lee
Doggett	King (NY)	Pitts				Davis (VA)	(TX)
Dooley	Kleczka	Pombo				DeFazio	Jenkins
Doolittle	Klink	Pomeroy				DeGette	John
Doyle	Knollenberg	Portman				Delahunt	Johnson (CT)
Dreier	Kolbe	Price (NC)				DeLauro	Johnson, E. B.
Duncan	Kucinich	Quinn				DeLay	Johnson, Sam
Dunn	Kuykendall	Radanovich				DeMint	Jones (OH)

NOT VOTING—14

□ 1250

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JONES of North Carolina. Mr. Speaker, on rollcall No. 409, I was unavoidably detained. Had I been present, I would have voted "yes."

APPOINTMENT OF CONFEREES ON H.R. 2606, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS OPERATIONS ACT, 2000

MOTION TO INSTRUCT OFFERED BY MS. PELOSI

The SPEAKER pro tempore (Mr. BONILLA). The pending business is the question of agreeing to the motion to instruct offered by the gentlewoman from California (Ms. PELOSI).

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. PELOSI).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 419, noes 0, not voting 14, as follows: