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MARKUP OF H.R. 1883, THE IRAN NONPROLIFERATION ACT OF 1999; AND H.R. 2367, THE TORTURE VICTIM RELIEF REAUTHORIZATION ACT OF 1999

MARKUP

BEFORE THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES

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CONTENTS

WITNESSES

	Page
Markup of H.R. 2367, The Torture Victims Relief Reauthorization Act of 1999	1
Markup of H.R. 1883, The Iran Nonproliferation Act of 1999	4

APPENDIX

Prepared statements:

Hon. Joseph Crowley, a Representative in Congress from New York, concerning H.R. 1883	75

Bills and amendments:

H.R. 2367	22
Admendment to H.R. 2367, offered by Rep. Smith	27
H.R. 1883	28
Admendment in the nature of a substitute to H.R. 1883, offered by Rep. Gilman and Rep. Gejdenson	40
Admendment to the Gilman/Gejdenson amendment in the nature of a substitute, offered by Rep. Brady	81

Additional material submitted for the record:

Letter sent to Assistant Secretary Karl Inderfurth, Department of State, dated August 25, 1998, submitted by Rep. Rohrabacher	54
Letter sent to Assistant Secretary Karl Inderfurth, Department of State, dated August 3, 1999, submitted by Rep. Rohrabacher	56
Requested State Department documents relating to Afghanistan, submitted by Rep. Rohrabacher	57
Letter from Assistant Secretary of State for Legislative Affairs Barbara Larkin, stating the Administrations views on H.R. 1883, submitted by Rep Gilman	82

MARKUP OF H.R. 1883, THE IRAN NONPROLIFERATION ACT; AND H.R. 2367, THE TORTURE VICTIMS RELIEF REAUTHORIZATION ACT

Thursday, September 9, 1999

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C.

The Committee met, pursuant to call, at 10 a.m. in Room 2172 Rayburn House Office Building, Hon. Benjamin A. Gilman [Chairman of the Committee] presiding.

Chairman GILMAN. The Committee on International Relations meets today in open session pursuant to notice to take up two bills, the Iran Nonproliferation Act and the Torture Victims Relief Reauthorization Act, H.R. 2367. We will first be considering the torture victims bill.

The Torture Victims Relief Reauthorization Act of 1999, H.R. 2367, was referred by the Speaker to the Committee on International Relations and also to the Committee on Commerce, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

The Chair lays the bill before the Committee. The clerk will report the title of the bill.

[The information appears in the appendix.]

Ms. BLOOMER. H.R. 2367, a bill to reauthorize a comprehensive program of support for victims of torture.

Chairman GILMAN. Without objection, the first reading of the bill will be dispensed with. The clerk will read the bill for amendment.

Ms. BLOOMER. Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, Section 1. Short title. This act may be cited as the Torture Victims Relief Reauthorization Act of 1999.

Chairman GILMAN. Without objection, the bill is considered as having been read. It is open to amendment at any point.

I will now recognize myself for as much time as I may consume.

I want to commend Chairman Smith and the Ranking Minority Member, Ms. McKinney, of the Subcommittee on International Operations and Human Rights for crafting this timely initiative which addresses a critical area of our efforts to combat human rights abuses, treatment of those individuals who have suffered the effects of torture at the hands of governments as a means of destroying dissent and opposition.

The resolution rightly recognizes the importance of treating victims of torture in order to combat the long-term, devastating effects that torture has on the physical and psychological well-being of those who have undergone this pernicious form of abuse. Torture is an extremely effective method to suppress political dissent. For those governments which lack the legitimacy of democratic institutions to justify their power, torture can provide a bulwark against popular opposition.

This measure authorizes funding at the level of $10 million per year for the next three years for treatment centers in our Nation and overseas. It also authorizes our State Department to contribute $5 million in both fiscal years 2001 and 2002, and also in 2003, to the United Nations Voluntary Fund for the Victims of Torture.

Political leaders of undemocratic societies still find torture useful, because its aims are the destruction of the personality. It attempts to rob those individuals who would actively involve themselves in opposition, to suppress their self-confidence and other characteristics that produce leadership.

I quote from the speech by Dr. Inge Genefke, who is a founder of the International Treaty Movement, and I quote, "Sophisticated torture methods today can destroy the personality and the self-respect of human beings. Many victims are treated and threatened with having to do or say things against their ideology or religious convictions for the purpose of attacking fundamental parts of the identity, such as self-respect and self-esteem. Torturers today are capable to create conditions which effectively break down the victim's personality and identity and their ability to live a full life later with and amongst other human beings."

Accordingly, I urge our colleagues to join in approving this legislation.

I now recognize the sponsor of this legislation, the distinguished Chairman of our Subcommittee on International Operations, Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman, and thank you for scheduling the markup of this legislation this morning.

Mr. Chairman, on June 29th, the Subcommittee on International Operations and Human Rights conducted a hearing on U.S. policy toward victims of torture. The testimony presented there emphasized the continuing, compelling need for this legislation. Those who suffered the unspeakable cruelty of torture at the hands of despotic governments bear physical, emotional and psychological scars for the rest of their lives. For many, if not most, the ordeal of torture does not end when they are released from a gulog, laogai or prison. These walking wounded need professional help and rehabilitation.

The United States law regarding torture victims took a giant step forward on October 30th, 1998 with the enactment of Public Law 105-320, the Torture Victims Relief Act. I am proud to have been the principal sponsor of that act, which was cosponsored by many of our colleagues on this Committee. It authorized $12.5 million over two years for assistance to torture victim treatment centers both here in the United States and around the world. It also authorized a U.S. contribution in the amount of $3 million per year to the United Nations Volunteer Fund for Torture Victims. Finally,

it required that foreign service officers be given specialized training in the identification of torture and its long-term effects, techniques for interviewing torture victims and related subjects.

To continue the good work begun by that law, I, along with Chairman Gilman, Ms. McKinney, and Mr. Lantos, recently introduced H.R. 2367, the Torture Victims Relief Reauthorization Act. This bill will extend and increase the authorization of last year's act through fiscal year 2003. For each of the three fiscal years it covers, the reauthorization act authorizes $10 million for domestic treatment centers.

The Center for Victims of Torture estimates that there are as many 400,000 victims of foreign governmental torture here in the United States. At present, there are only 14 domestic treatment centers, which are able to serve only a small fraction of the torture population in the U.S. Because many of their clients do not have health insurance, the centers must bear most of the costs of treatment. Our hope is that the money authorized by H.R. 2367 will support these existing efforts and perhaps even enable the Department of Health and Human Services Office of Refugee Resettlement to establish much-needed new centers.

The bill also authorizes $10 million per year for international treatment centers. According to the International Rehabilitation Council for Torture Victims, the IRCT, the leading international government organization engaged in treating victims of torture, $33 million is needed in 1999 alone for international rehabilitation efforts. Currently, there are about 175 torture victim treatment centers around the world.

The bill also authorizes $5 million per year for U.S. contribution to the United Nations Voluntary Fund for Victims of Torture. I am pleased to note that the Administration greatly increased the U.S. contribution to the fund this year to $3 million, the full level authorized by the Torture Victims Relief Act. We should continue this trend and even expand our commitment to this worthwhile multilateral effort.

Finally, the bill requires the State Department to report on its effort to provide specialized training to foreign service officers as mandated by the Torture Victims Relief Act. It is important that our personnel who deal with torture victims be able to identify evidence of torture and its long-term effects, and learn techniques for interviewing torture victims who may still be suffering trauma from their experiences.

At our recent Subcommittee hearing, it became apparent that the State Department has not implemented any such training. This reporting requirement will serve as a wake-up call to prompt the Department to fill its statutory obligations.

I am very happy that this legislation is before us. At the appropriate time, Mr. Chairman, I do have a technical amendment at the desk.

Chairman GILMAN. Are you asking for the amendment to be submitted?

Mr. SMITH. I would ask that the amendment be considered.

Chairman GILMAN. The clerk will read.

Ms. BLOOMER. The amendment offered by Mr. Smith, page 2, line 5, strike——

Mr. SMITH. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Chairman GILMAN. The amendment will be considered as read. The clerk will distribute the amendment.

The gentleman is recognized for 5 minutes on the amendment.

[The information appears in the appendix.]

Mr. SMITH. Mr. Chairman, I will be very brief; it was prepared with the assistance of Mr. Gejdenson and his staff. The amendment does two things, first it conforms the language of the authorization for assistance to international torture centers in this bill to the corresponding language of the Torture Victims Relief Act as enacted into law last year.

Second, it renumbers the section to the Foreign Assistance Act created by last year's legislation. Congress inadvertently created two sections with the same section number, and this amendment, a technical amendment, will fix that problem. I am grateful to David Abramowitz, of the Democratic staff, for bringing our attention to this—the need for this amendment. I do urge its adoption.

Chairman GILMAN. Thank you. The gentleman has offered the amendment. Are there any Members seeking recognition on the amendment?

If no one seeks recognition, the question is now on the amendment. All those in favor, signify in the usual manner.

Opposed?

The amendment is carried.

We will now proceed to consider the measure further.

Are there any Members seeking recognition on the measure before us? If there is no one seeking recognition, I recognize Mr. Bereuter for a motion.

Mr. BEREUTER. Mr. Chairman, I move that the Chair may be requested to seek consideration of the pending bill on the suspension calendar.

Chairman GILMAN. The question is now on the motion by the gentleman from Nebraska. Those in favor of the motion, signify in the usual manner.

Those opposed, say no.

The ayes have it; the motion is agreed to.

Further proceedings on this matter are now postponed.

Chairman GILMAN. We will now proceed to the other measure before this Committee, H.R. 1883, relating to Iran. This bill was referred by the Speaker to our Committee on International Relations and also to the Committee on Science; in each case, for consideration of such provisions which fall within the jurisdiction of the committee concerned.

The bill was introduced by myself, by Mr. Gejdenson, by Mr. Sensenbrenner, and by Mr. Berman. The Chair lays the bill before the Committee and the clerk will report the title.

[The information appears in the appendix.]

Ms. BLOOMER. H.R. 1883, a bill to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

Chairman GILMAN. Without objection, the first reading of the bill is dispensed with. The clerk will read the bill for amendment.

Ms. BLOOMER. Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, Section 1. Short title. This act may be cited as the Iran——

Chairman GILMAN. I have an amendment in the nature of a substitute at the desk on behalf of myself and Mr. Gejdenson. The clerk will report the amendment, which is on the desks of the Members.

[The information appears in the appendix.]

Ms. BLOOMER. Amendment offered by Mr. Gilman and Mr. Gejdenson. Strike all after the enacting clause and insert the following: Section 1. Short title. This act may be cited as the Iran Nonproliferation Act of 1999.

Chairman GILMAN. I ask unanimous consent that the amendment in the nature of a substitute be considered as having been read, and that it be open to amendment at any point. Without objection, it is so ordered.

I will now recognize myself to speak briefly to the amendment in the nature of a substitute.

Today we are marking up the Iran Nonproliferation Act of 1999, which Mr. Gejdenson, Mr. Berman and I introduced on May 20th of this year. This legislation has 220 cosponsors. We feel we must be on the right track.

The purpose of our legislation is to reverse the very dangerous situation we are confronting 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 been working to try to stop it. But all available evidence indicates that, to date, those efforts have failed. The proliferation today is as bad as it has ever been.

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

A summary of our legislation is now before the Members, so I will not belabor the details of what it does. Mr. Gejdenson and I have laid before the Committee the amendment in the nature of a substitute that is now before us. It contains a number of changes to the bill that we have agreed to make. Some of these changes were made at the request of the Administration, and others at the request of Mr. Gejdenson and other Members.

Most of them are technical in nature, dealing with such matters as timeliness for submission of reports to Congress and refinements of some of the definitions. A few are more substantive. For instance, in section 5, we have added two additional grounds upon which the President can decide to exempt a foreign person from application of measures provided in the bill.

There are instances in which a transfer made by the foreign person was consistent with the procedures and with an international nonproliferation regime in instances in which a foreign person has been adequately punished by the government with primary jurisdiction over the person.

Overall, I believe that the changes in this bipartisan amendment offered by myself and Mr. Gejdenson improve the bill, and I will urge its adoption.

I now turn to one of the original cosponsors of the measure, Mr. Gejdenson, and ask for his comments.

Mr. Gejdenson.

Mr. GEJDENSON. Thank you. I want to commend the staffs and the Members for working together to come up with language to try and deal with some of the complexities in this issue. There are obviously some remaining questions of control and the proper responses. I think anyone watching the situation in Russia today has to be concerned about the stability of a country that still possesses 6,000- to 9,000 warheads, that has the capabilities in a number of technologies that provide for weapons of mass destruction.

As much as we try to assist the Russians in developing a civil society and developing the ability to govern themselves in a democratic manner, we need to make sure that the Russian Government continues its basic responsibilities, like nonproliferation; and I commend the Chairman and both staffs for the work we have done in trying to narrow some of the differences in trying to achieve the goal of limiting the proliferation of technology out of Russia.

Chairman GILMAN. Thank you, Mr. Gejdenson.

Who else seeks recognition? Mr. Rohrabacher.

Mr. ROHRABACHER. If there is another Member who wants to speak on this, I will be happy——

Chairman GILMAN. Mr. Berman.

Mr. BERMAN. Thank you, I move to strike the last word.

I support the substitute. I support the base bill. Secretary Indyk, when he was here recently, testified that Iran's clandestine efforts to procure nuclear, chemical, and biological weapons continues despite Iran's adherence to relevant international nonproliferation conventions. In addition to their work in the nuclear, chemical, and biological weapons arena, we are all aware of their testing and development of intermediate range ballistic missiles, and missiles which ultimately might be longer than that, and the threat that that poses.

It seems to me we need, and have an obligation, to do everything we can to impede Iran's ability to develop these weapons, and that applies without regard to what one's view is about what our political and diplomatic approach to Iran might be. We can pursue negotiations. We can pursue openings. We can seek to develop closer ties with the Khatami regime, and at the same time, I think we have an obligation to our own people and to our allies to do everything we can to impede their ability to develop weapons of mass destruction and the means to deliver them.

This is an important piece of legislation seeking to do just that. While the legislation applies generically across the board, there has been specific focus on the issue of proliferation by entities in Russia to Iran. For anyone who has any doubts about this issue, I would

urge them to obtain the classified briefings on the subject and get a sense of what we know of what is actually happening.

There are some who might think that this is just a form of Russia-bashing. I would disagree. One can decide that the primary issue in U.S. foreign policy is to do everything we can to ensure the successful transition of Russia to democracy. Some think we should be doing far more than we are even doing in the context of threat reduction by virtue of working with them to safeguard enriched plutonium, to destroy weapons, warheads, to employ these scientists, to do things which show them that we have no intentions against them and their sovereignty and their security.

At the same time, I think we have—not just a right, but an obligation to tell them something which is clearly in our national security interests and in their national security interests. As their leadership has acknowledged over and over again, we have—we cannot sit around and just go forward working with them while they are allowing this kind of technology, key critical components for these kinds of systems, to proliferate to Iran. I think many experts in the field of U.S.-Russian relationships—people, in fact, who are critical that we haven't done enough in terms of Russia—would not argue with the point that in an area where the Russian Government has control, we have a right and an obligation to expect that the Russian Government will do every single thing it can to stop that proliferation.

So I want to commend the Chairman and the Ranking Member for joining together on this legislation. I also want to thank the Chairman for putting the bill over until after the recess. There were certain representations made by then-Russian Prime Minister Stepashin regarding things that were going to be done, and both the Chairman and, in the end, the Republican leadership, agreed to put the bill over. Of course, we now have a new Prime Minister, so it is unclear what the value of those representations are, but at this point I think we should move ahead with the legislation.

There is one issue that is of some concern, and that is to question the extent to which we are asking the Space Agency in Russia to control more than they can, and to have impacts on that which they cannot control. But if I were to err, at this particular point in the legislative process, on the side of underestimating their ability to control versus overestimating, I choose to overestimate.

This legislation may in fact do that. We have plenty of time to take a look at that. So I would urge the adoption of the substitute and the bill, and its passage.

Chairman GILMAN. Thank you, Mr. Berman.

Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you, Mr. Chairman. I would like to commend you and the other Members involved with this piece of legislation for demonstrating that the Congress, and the House, and this Committee, certainly have a role to play in foreign policy, and in oversight of American foreign policy, and especially in this vital region—or shall I say "volatile region," instead of "vital region," because they are both vital and volatile.

But taking note of the importance that we have placed on Iran—and let me note at this moment that we have not paid that same attention to what has been going on in Afghanistan right next door,

and that efforts by this Committee to obtain documents from the Administration concerning our policy in Afghanistan have been met with contempt, and with stonewalling, and with obfuscation.

I would like to place in the record a letter that I sent to Assistant Secretary Karl Inderfurth about the request of documents concerning our policy in Afghanistan that was made over a year ago.

[The information appears in the appendix.]

Mr. ROHRABACHER. I would also place in the record the documents that finally arrived after a year. These are the documents—so the other Members of my Committee who remember me making noise about this issue—these are the documents about Afghanistan, they are about one-sixteenth of an inch thick, and most of them are newspaper clippings responding to our oversight responsibilities. Responding to requests for information that were made by this Committee in this volatile region in such a manner is contempt of this Committee and contempt of our role to oversee American foreign policy.

Tomorrow, supposedly, some more documents will be made available to this Committee, and to myself, and I hope that there is much more substance to them than what has been presented.

Chairman GILMAN. Without objection, the documents will be made a part of the record.

[The information appears in the appendix.]

Mr. ROHRABACHER. So I support this measure on Iran. I would again alert my fellow Members of this Committee that what is going on in Afghanistan is as important to America's national security as is what is going on in Iran, because we have a terrorist base camp where all of the world's heroin is being produced right next door to Iran, and our Administration has thwarted our attempts to get the documentation of what our policy is toward that rogue regime, the Taliban regime.

I am contending again, and will close my remarks with the contention that this Administration has a covert policy of supporting the Taliban, which is one of the worst human rights abusers toward women. It is an abomination, and the response to our requests for information has been an insult.

With that, I yield back the balance of my time.

Chairman GILMAN. Thank you, Mr. Rohrabacher.

Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman.

As someone who has consistently supported and will continue to support disarmament and peace initiatives throughout the world, I believe that this legislation will certainly move us one step toward nonproliferation of weapons of mass destruction in the Middle East. I am a cosponsor of this legislation because I strongly believe that we must take any and all actions to stop the spread of these weapons of mass destruction in the Middle East, and elsewhere in the world.

I just returned from Israel with several of my colleagues, and let me just say to you that I know, and I think all of us know, that the security concerns in the entire region are very, very real; but also the prospects for peace are very, very real. So this bill moves us, I believe, toward both peace and security, not only in the region, but in the entire world.

So I thank Chairman Gilman and our Ranking Member, Mr. Gejdenson, for working out an agreement on this so we can move it forward. I certainly support the substitute and hope we do move toward passage of this today.

Thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Ms. Lee.

Mr. Houghton.

Mr. HOUGHTON. Thank you, Mr. Chairman.

I wonder, Mr. Chairman, if we can have comments from the Administration on this? I am particularly interested in their reaction.

Chairman GILMAN. Is someone from the Administration prepared to comment? Please identify yourself.

Ms. COOKS. I am Shirley Cooks, Deputy Assistant Secretary of State for Legislative Affairs. With your permission, Mr. Chairman, I would like to ask Deputy Assistant Secretary for Nonproliferation Controls John Barker to respond to those questions.

Chairman GILMAN. Mr. Barker—thank you, Ms. Cooks.

Mr. Barker, please identify yourself.

Mr. BARKER. Thank you very much, Mr. Chairman.

I am the Deputy Assistant Secretary for Nonproliferation Controls in the Nonproliferation Bureau of the State Department. We appreciate the opportunity to comment on this bill.

A number of you have made some very good statements about your proper oversight role here, about the fact that we as the United States Government have the right and obligation to expect Russia and other countries to do everything they can to prevent the spread of weapons of mass destruction, and an acknowledgment that the Administration is working hard to try to prevent that proliferation, particularly to Iran.

You have noted that there are some new tools that you will provide for us through this legislation, in the form of sanctions and other types of incentives and disincentives for countries such as Russia and China, to prevent that type of proliferation.

Mr. Chairman, I think we all share the same goals, we all want to make sure that the proliferation problem is brought under control. None of us are satisfied that that is the current state right now. What our concern is, however, with this bill, is that it will be counterproductive in what we are trying to accomplish.

Let us talk first about the resources that would be necessary, from the Administration's standpoint, to respond to this bill. You have set up a plan that would require us either to impose sanctions or transfers based on credible information, or to provide reports to Congress as to why we have not provided those sanctions and implemented those sanctions.

We work very hard, sir, to try to respond to your oversight requirements and your oversight obligations. We come up and try to brief you. We appear for hearings. We send you a number of congressional reports every year—many reports, several hundred pages long each in some cases. We have given you a list of the reports and we plan to follow through on those obligations.

We want to make sure that we put our resources toward fighting proliferation rather than writing reports. That is one of the problems that we will have with this bill. We are certainly at your disposal to send you all of the reports that you need, but we ask that

you look carefully at whether it is worthwhile to put all of our resources toward writing reports versus trying to stop, trying to interdict, trying to work with other countries to ensure that the proliferation problem does not go forward.

Although, of course, the bill is global in scope, its intended targets are primarily the Russian entities in Iran. We have plenty of authority for dealing with the Russian entities now, and Russia is starting to take some steps in the right direction. None of us are saying that we are satisfied with that. None of us believe that Russia has full control over the proliferation problem, but we have seen that Russia is starting to take some steps.

They have recently enacted some new, strong, export control legislation, that export control legislation enacted in part because of some assistance that we provided through our export control work with them. They have adopted a game plan in order to ensure that there will be a cutoff of this type of proliferation to Iran; and they are working hard and equipping their entities with internal compliance programs designed to stop proliferation. We are working hard with the Russians to give them the training that they need in order to carry that out.

Mr. Chairman, none of us believe that Russia is where it needs to be, and indeed other countries are where they need to be, in terms of stopping proliferation to Iran. There is no higher priority this Administration places then on ensuring that there is a cutoff of that type of assistance.

The problem here is we will eliminate the incentive for the countries to work with us. We have made some progress with Russia; we have a long way to go. But if we set up a regime where sanctions are mandatory, or we have to spend most of our time trying to justify why sanctions have not been imposed, we will be providing Russia with an incentive not to cooperate with us, not to work with us, and not to attempt to follow through on some of the obligations that we all believe are necessary.

Mr. BEREUTER. [Presiding.] The gentleman will suspend. The Chair asks unanimous consent that the gentleman have two additional minutes so that the Representative may continue. Mr. Houghton.

Mr. BARKER. Thank you very much, sir.

Overall, we believe that you have exactly the right goals. We need to get a better handle on nonproliferation, both in terms of Russia and other countries. None of us believe that Russia has taken all of the steps that it needs to take, but I think we can all share the view that in order to get Russia to move forward we are going to have to work with them cooperatively. We are going to have to use the tools at our disposal and, indeed, use the sanction laws and discretionary determinations which we already have within the executive branch.

We have already imposed some sanctions against Russian entities. Those sanctions have had an effect. Many times I traveled to Russia and have had to deal with interlocutors on the other side of the table who are quite unhappy with the fact that we have taken those decisions. But I feel very comfortable in defending those, because those entities do not deserve to have business with

the United States if they are providing proliferation-related items to Iran.

In general, we have seen through a number of congressional determinations, such as the Cox Committee, the importance of supporting multilateral regimes and ensuring that our export controls are enforced worldwide.

Another problem that we have identified in this bill, and we have sent this to you in writing, is the fact that this bill would work at undermining our multilateral regimes. We might, in some instances, have to report on transfers by other countries——

Mr. HOUGHTON. Could I just interrupt a minute? I am sorry.

Because we are running out of time, could you just give me a one-word answer: Does the State Department support this bill?

Mr. BARKER. We strongly oppose it, sir.

Mr. BEREUTER. I thank the gentleman. Does the gentleman wish to yield to Mr. Berman?

Mr. HOUGHTON. Yes. Fine.

Mr. BERMAN. If I could just ask the Administration——

Mr. BEREUTER. Without objection, the gentleman will have one additional minute. Mr. Houghton yields to Mr. Berman.

Mr. BERMAN. Recognizing that the Administration has made a priority, particularly in the last couple of years, year and a half, of pushing the Russians to stop their entities from proliferating, and recognizing that the Russian Government has made some wonderful representations and taken some modest steps to do something about that, is there any doubt that, notwithstanding your efforts and the Russian steps, there have been proliferating activities from Russian entities in the last year and a half?

Mr. BARKER. There is no doubt that without our work the proliferation problem would have been worse. But there is no doubt that the proliferation problem continues.

Mr. BERMAN. Okay.

The other thing—my second question—that is not really a question, it is just these reports can be classified if the Administration chooses to make them classified. The mere fact of reporting transfers of items on a chemical weapons list or on a nuclear suppliers list or on a missile technology control list, the Congress of the United States should not be the basis for undermining international proliferation regimes. We are one government.

So that part of the argument, I just don't—it doesn't have any weight with me. The notion that simply the Administration reporting what has been transmitted by the country that might be a member of the regime that is on a list of items that are of special concern in the area of nuclear, chemical, biological, or missile proliferation, that that item is reported to the Congress somehow undermines the regime, to me doesn't hold a lot of water.

Mr. BEREUTER. We will return to regular order. You will undoubtedly have a chance to address this in a minute. The time of the gentleman has expired.

The gentleman from California, Mr. Lantos, is recognized for five minutes.

Mr. LANTOS. Thank you very much, Mr. Chairman.

I support the legislation, but I would like to direct my remarks to a much broader issue; that is, Russian-U.S. relations. Earlier

this week, I had a very lengthy and very substantive meeting in Moscow with the Foreign Minister of Russia, and I addressed the student body of the Russian Diplomatic Institute, a very impressive group of young men and women, all of them speaking impeccable English, and extremely well informed.

I believe, Mr. Chairman, we have a very serious problem in dealing with U.S.-Russian relations on a piecemeal basis. I believe that proliferation with respect to Iran continues, and I think the legislation deals with it appropriately. But what I think is more important than even that issue is a growing deterioration of our relations with Russia, stemming in large measure from their dramatic change in the international arena.

My first visit to Russia was in 1956. I have been going back with great frequency over the intervening decades, and I don't think we are sufficiently sensitive to the fact that one of the great, one of the two great superpowers of this world just a few years ago is now a bankrupt, destitute society facing enormous internal pressures and attempting to make its way in an entirely new world.

I think one of the horrendous mistakes of the Bush Administration was to assume that the collapse of the Soviet Union would bring about smoothly the emergence of a democratic society and a market economy. This incredible naivete, our failure to lubricate the process appropriately, is at the bottom of many of our current problems.

My feeling is that what we have today in Russia is a degree of anti-Americanism widespread throughout all strata of society, even among the most educated and knowledgeable people. When I spoke at the university training diplomats on Monday—could I have order, Mr. Chairman?

Mr. BEREUTER. The Committee will be in order, Members, staff, and audience.

Mr. LANTOS. It took me a great deal of time to attempt to convince my audience that our engagement in Kosovo was not motivated by a desire to humiliate Russia, that our investigation of corruption and money laundering and capital flight is not motivated by a desire to attack Russia. I think, in connection with this piece of legislation, it is extremely important we underscore that what we are interested in is stopping proliferation and not again humiliating, and attacking, and harassing Moscow.

I would like to request Chairman Gilman, at the earliest possible time, to hold a major public hearing on U.S.-Russian relations. This is still the only other nation on the face of this planet with a vast stockpile of weapons of mass destruction. Russia will again emerge as a major power on this planet, if not in five years, in fifteen years, and I think it is extremely important that our relations get back on track.

This piece of legislation—which I believe is needed, and I support it—can't help but continue to exacerbate their persistent misunderstanding of our motivation. I think it is absolutely critical that this Committee, in an open and major hearing, deal with the full spectrum of our relations with Russia.

Many things have gone right in Russia. Fifteen years ago, none of us would have expected free elections, which will be coming for the Duma and the presidency; free press; every Russian having a

passport; American business still functioning very visibly throughout Russia. I think it is important not to focus on momentary difficulties, however serious they are, and to put U.S.-Russian relations in their proper historic perspective.

Thank you, Mr. Chairman.

Mr. BEREUTER. Thank you, Mr. Lantos. Your request will be relayed to Chairman Gilman by this Member. I would say all of us that attended the Russian-American seminar by the Aspen Institute probably came away with the same attitude and concerns that the gentleman has expressed.

The gentleman from New Jersey, Mr. Rothman, is recognized.

Mr. ROTHMAN. Mr. Chairman, I speak in support of the Gilman-Gejdenson substitute. I think this is a useful tool for this Nation to enforce our longstanding policy against nuclear proliferation all around the world, but also specifically with regard to Iran, an as yet declared—self-declared enemy of the United States and our allies throughout the region.

It also is an effective and useful tool in reiterating our continued attention to this problem, notwithstanding the great many wishful thoughts many of us and others have about progress in the region. But wishful thinking expressed without our expressed reservations about the status quo can mislead our enemies and those who would do us and our allies harm. That is why I am supporting this effort; it is full of sound provisions that deal with a subject that should concern not only this Committee, but all Americans.

Imagine if the United States of America, the greatest power on the Earth, did nothing to stem the flow of dangerous weapons technology to the Republic of Iran; imagine if the United States of America, the greatest power on Earth, were to support the free flow of dangerous weapons technology by our inaction or omission, notwithstanding the efforts presently being undertaken; imagine if the United States of America were to allow Iran, a country which has pledged to destroy our greatest ally in the Middle East, Israel, and pledged to undermine America's interests throughout the region, were to allow Iran to secure the means by which it could destroy our allies and our vital national interests.

I can't imagine these things occurring, that is why I am grateful to our Chairman, Mr. Gilman, and our Ranking Member, Mr. Gejdenson, for putting forth this substitute amendment. We have few more important priorities as an International Relations Committee than to prevent the spread of weapons of mass destruction to terrorists supporting nations like Iran.

Hopefully, Iran and Russia will join the fold of peace-loving democratic nations, and we will do all that we reasonably can to support those efforts. But in the meantime, as long as Iran remains a self-declared enemy of the United States of America, bent on nuclear proliferation and the creation of weapons of mass destruction aimed at not only our allies in the region, but our allies in Europe, with aspirations to attain the capability of attacking the continental United States with weapons of mass destruction, we need to stay on guard, focused as a nation, and to remind the world that we are on guard and focused in our attention to those who would do us harm and do our allies harm.

I urge my colleagues to support the Gilman-Gejdenson substitute.

Mr. BEREUTER. Thank you, Mr. Rothman.

The Chair would advise of its intention to hear from another Democratic Member, Mr. Crowley; then we will move to the Brady amendment. We have a quorum here. Then it is my expectation we will be able to move to final passage.

The gentleman is recognized. Mr. Crowley.

Mr. CROWLEY. Mr. Chairman, I will be very, very brief. I have a statement that I will ask unanimous consent, in deference to time, to be read into the record. Just let me add, I think the issue of nuclear proliferation, in and of itself, is a very scary thought for every American, with the possibility of nuclear proliferation by rogue nations being at the top of the list.

I would agree with one statement; I think this will be a useful tool. I am sympathetic to the remarks of the State Department and the Administration; unfortunately, I don't agree. I think the American people are looking for action, not only on the part of the State Department and the Administration, but also by Congress. I think that these are reasonable tools that you will hopefully find helpful.

So I will be supporting this measure. I thank the Chairman for introducing it.

Mr. BEREUTER. Thank you, Mr. Crowley.

[The statement of Mr. Crowley appears in the appendix.]

Mr. BEREUTER. The gentleman from Texas, Mr. Brady, is recognized first for a statement, and then to offer his amendment.

Mr. BRADY. Thank you, Mr. Chairman.

America has a huge stake in Russia's successful transition to a peaceful and open democracy, and no one has made a bigger commitment to Russia over the years than America. But this reminds me of a statement P.T. Barnum once made, which is, "There is a sucker born every minute." While he may have created the statement, Russia certainly has embraced it.

Each year Russia sets up a tent and America is first in line, with billions of dollars, to see a show on democracy, on free enterprise, on peace. However, each year the stage is empty, while behind the tent Russia continues to arm America's and its allies' most hateful and deadliest enemy.

Now, fool us once, shame on them; fool us twice, shame on us; and the fifth or sixth time, well, that is a reflection on our own competency.

The real tragedy today is that dollars that we are using, American tax dollars that we hope to be used for democracy, are really used to harm and destabilize democracy among our allies. Dollars we hope to go to free enterprise are used to destabilize the progress that is made around the world, and the dollars that are used for peace that could be used for our veterans or to build our own—rebuild our own military defenses are used, in effect, to start to lay the foundation for Cold War and threats against America's security.

There are new and deadly threats to America's security, and we must not be the one funding those threats, directly or indirectly. But I support this bill, Mr. Chairman. When the time is appro-

priate, I have an amendment that I think clearly lays to rest one of the objections that has been raised.

Mr. BEREUTER. Would the gentleman yield?

Chairman GILMAN. [Presiding.] Mr. Bereuter.

Mr. BEREUTER. It is my intention, as I announced, to be able to offer his amendment at this point, if that is okay with Chairman Gilman. The gentleman still has the time.

Mr. BRADY. Mr. Chairman, I am ready to—there is an amendment at the desk.

[The information appears in the appendix.]

Chairman GILMAN. Would the clerk distribute the amendment?

Ms. BLOOMER. Amendment offered by Mr. Brady: On page 11, after line 13, insert the following new subsection, (f) Service module exception, (1)——

Chairman GILMAN. The amendment is considered as having been read. The gentleman is recognized.

Mr. BRADY. As a supporter of this bill, and as a Member of the Science Committee and from a region, Houston, that has a big stake in NASA and the International Space Station, I took a hard look at one of the key sections in this bill dealing with the current space station. What I feel strongly about is that this bill is not anti-space station.

The bill does nothing to prevent all current space station agreements and payments from being carried out. Furthermore, it doesn't remove Russia as a part in the program, it doesn't affect the existing partnership, and it only applies to additional payments made above and beyond the existing agreement. In fact, the only way this bill can affect the space station is if the Russians are proliferating to Iran.

If Russia is clean, as we hope them to be, then the U.S. can continue to send payments. This amendment lays to rest any valid objections to this bill as those who—as it relates to the space station.

Mr. Chairman, objection has been raised, "what if?", what if after all of the testing of the service module provided by Russia, when we get it into orbit, problems occur, what then? This amendment is a common-sense response to that—it basically recognizes the service module built by Russia is critical to the space station, it is the living quarters for our astronauts, it is hanging in low Earth orbit, and test as well as you can, there is nothing like putting something in orbit to find out what might go wrong.

What this amendment says is that in extraordinary circumstances and in areas of life support, environmental control, orbital maintenance functions, where there is a flaw that we cannot fix ourselves or there is not an alternative means, that we can contract with the Russian Space Agency or its subcontractors, as long as they are clean as well.

To make sure that this isn't open-ended, this section and this amendment ends—ceases to be effective after a U.S. propulsion module is in place on the station. I think this removes any "what if" concerns about the space station. It provides us flexibility in a timely response if something critical goes wrong; and because this entire bill deals with protecting America's interests first, I believe this amendment does this.

It passed the Space and Aeronautics Subcommittee 19-to-3, backed by supporters of the old base bill like myself. At this point, I would conclude my remarks.

Chairman GILMAN. Thank you, Mr. Brady.

Let me note that this is an amendment to the Gilman-Gejdenson amendment, and that it has been worked out with the Science Committee. The Science Committee has no objection, nor do we have any objection to the amendment.

Does anyone else seek recognition? Mr. Rohrabacher.

Mr. ROHRABACHER. Mr. Chairman, I am the Chairman of the Space and Aeronautics Subcommittee that oversees this project, and I would like to commend Mr. Brady for his responsible amendment and his efforts to make sure that what we do will not interfere with this multibillion dollar program that we have that is under way; and that the efforts that we are trying to make to prevent this proliferation with Iran are aimed at further future activities, rather than activities that will—that are currently under way with Russia and the space station.

So I would like to commend him and support his amendment.

Chairman GILMAN. If there are no further comments, the question is now on the Brady amendment. All those in favor, signify in the usual manner.

Opposed?

The ayes appear to have it.

The amendment is agreed to.

If there are no further amendments, without objection, the previous question is ordered on the amendment in the nature of a substitute. Without objection, the amendment in the nature of a substitute is agreed to.

The gentleman from Nebraska, Mr. Bereuter, is recognized. But before he comments, let me just make note, give notice to our colleagues, that Doug and Louise Bereuter are now grandparents. Their first grandchild is a boy, Ethan, 7 pounds and 2 ounces, born August 12th. They are very proud of being new grandparents. Congratulations.

Mr. BEREUTER. Thank you.

Chairman GILMAN. We will now recognize Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

I move that the Committee report the bill as amended to the House with the recommendation that the bill do pass.

Chairman GILMAN. The question is now on the motion of the gentleman from Nebraska, Mr. Bereuter. All those in favor, say aye.

Those opposed, say no.

The ayes have it.

We will take a roll call on the measure. Please signify in the usual manner.

The clerk will call the roll.

Ms. BLOOMER. Mr. Gilman.

Chairman GILMAN. Aye.

Ms. BLOOMER. Mr. Gilman votes aye.

Mr. Goodling.

[No response.]

Ms. BLOOMER. Mr. Leach.

[No response.]

Ms. BLOOMER. Mr. Hyde.
[No response.]
Ms. BLOOMER. Mr. Bereuter.
Mr. BEREUTER. Aye.
Ms. BLOOMER. Mr. Bereuter votes yes.
Mr. Smith.
Mr. SMITH. Yes.
Ms. BLOOMER. Mr. Smith votes yes.
Mr. Burton.
[No response.]
Ms. BLOOMER. Mr. Gallegly.
[No response.]
Ms. BLOOMER. Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. Yes.
Ms. BLOOMER. Ms. Ros-Lehtinen votes yes.
Mr. Ballenger.
[No response.]
Ms. BLOOMER. Mr. Rohrabacher.
Mr. ROHRABACHER. Yes.
Ms. BLOOMER. Mr. Rohrabacher votes yes.
Mr. Manzullo.
[No response.]
Ms. BLOOMER. Mr. Royce.
Mr. ROYCE. Yes.
Ms. BLOOMER. Mr. Royce votes yes.
Mr. King.
[No response.]
Ms. BLOOMER. Mr. Chabot.
Mr. CHABOT. Yes.
Ms. BLOOMER. Mr. Chabot votes yes.
Mr. Sanford.
Mr. SANFORD. Yes.
Ms. BLOOMER. Mr. Sanford votes yes.
Mr. Salmon.
Mr. SALMON. Yes.
Ms. BLOOMER. Mr. Salmon votes yes.
Mr. Houghton.
Mr. HOUGHTON. Yes.
Ms. BLOOMER. Mr. Houghton votes yes.
Mr. Campbell.
[No response.]
Ms. BLOOMER. Mr. McHugh.
Mr. MCHUGH. Yes.
Ms. BLOOMER. Mr. McHugh votes yes.
Mr. Brady.
Mr. BRADY. Yes.
Ms. BLOOMER. Mr. Brady votes yes.
Mr. Burr.
[No response.]
Ms. BLOOMER. Mr. Gillmor.
Mr. GILLMOR. Yes.
Ms. BLOOMER. Mr. Gillmor votes yes.
Mr. Radanovich.
Mr. RADANOVICH. Yes.

Ms. BLOOMER. Mr. Radanovich votes yes.
Mr. Cooksey.
Mr. COOKSEY. Yes.
Ms. BLOOMER. Mr. Cooksey votes yes.
Mr. Tancredo.
Mr. TANCREDO. Yes.
Ms. BLOOMER. Mr. Tancredo votes yes.
Mr. Gejdenson.
Mr. GEJDENSON. Yes.
Ms. BLOOMER. Mr. Gejdenson votes yes.
Mr. Lantos.
Mr. LANTOS. Yes.
Ms. BLOOMER. Mr. Lantos votes yes.
Mr. Berman.
Mr. BERMAN. Yes.
Ms. BLOOMER. Mr. Berman votes yes.
Mr. Ackerman.
Mr. ACKERMAN. Yes.
Ms. BLOOMER. Mr. Ackerman votes yes.
Mr. Faleomavaega.
[No response.]
Ms. BLOOMER. Mr. Martinez.
[No response.]
Ms. BLOOMER. Mr. Payne.
[No response.]
Ms. BLOOMER. Mr. Menendez.
Mr. MENENDEZ. Yes.
Ms. BLOOMER. Mr. Menendez votes yes.
Mr. Brown.
Mr. BROWN. Yes.
Ms. BLOOMER. Mr. Brown votes yes.
Ms. McKinney.
[No response.]
Ms. BLOOMER. Mr. Hastings.
[No response.]
Ms. BLOOMER. Ms. Danner.
Ms. DANNER. Yes.
Ms. BLOOMER. Ms. Danner votes yes.
Mr. Hilliard.
Mr. HILLIARD. Yes.
Ms. BLOOMER. Mr. Hilliard votes yes.
Mr. Sherman.
Mr. SHERMAN. Yes.
Ms. BLOOMER. Mr. Sherman votes yes.
Mr. Wexler.
[No response.]
Ms. BLOOMER. Mr. Rothman.
Mr. ROTHMAN. Yes.
Ms. BLOOMER. Mr. Rothman votes yes.
Mr. Davis.
Mr. DAVIS. Yes.
Ms. BLOOMER. Mr. Davis votes yes.
Mr. Pomeroy.
Mr. POMEROY. Yes.

Ms. BLOOMER. Mr. Pomeroy votes yes.
Mr. Delahunt.
[No response.]
Ms. BLOOMER. Mr. Meeks.
[No response.]
Ms. BLOOMER. Ms. Lee.
Ms. LEE. Yes.
Ms. BLOOMER. Ms. Lee votes yes.
Mr. Crowley.
Mr. CROWLEY. Yes.
Ms. BLOOMER. Mr. Crowley votes yes.
Mr. Hoeffel.
Mr. HOEFFEL. Yes.
Ms. BLOOMER. Mr. Hoeffel votes yes.
Chairman GILMAN. The clerk will call the absentees.
Ms. BLOOMER. Mr. Goodling.
Mr. GOODLING. Yes.
Ms. BLOOMER. Mr. Goodling votes yes.
Mr. Leach.
[No response.]
Ms. BLOOMER. Mr. Hyde.
[No response.]
Ms. BLOOMER. Mr. Burton.
[No response.]
Ms. BLOOMER. Mr. Gallegly.
[No response.]
Ms. BLOOMER. Mr. Ballenger.
Mr. BALLENGER. Yes.
Ms. BLOOMER. Mr. Ballenger votes yes.
Mr. Manzullo.
[No response.]
Ms. BLOOMER. Mr. King.
[No response.]
Ms. BLOOMER. Mr. Campbell.
[No response.]
Ms. BLOOMER. Mr. Burr.
[No response.]
Ms. BLOOMER. Mr. Faleomavaega.
[No response.]
Ms. BLOOMER. Mr. Martinez.
[No response.]
Ms. BLOOMER. Mr. Payne.
[No response.]
Ms. BLOOMER. Ms. McKinney.
[No response.]
Ms. BLOOMER. Mr. Hastings.
[No response.]
Ms. BLOOMER. Mr. Wexler.
[No response.]
Ms. BLOOMER. Mr. Delahunt.
[No response.]
Ms. BLOOMER. Mr. Meeks.
Chairman GILMAN. The clerk will report the tally.
Ms. BLOOMER. On this vote, there are 33 ayes and zero noes.

Chairman GILMAN. The motion is agreed to. Mr. Bereuter requests a right to submit views. I would like to inform the Members that this bill will be considered next week, and we will be submitting our report as quickly as possible.

Without objection, the Chair's designee is authorized to make motions under Rule XX with respect to a conference on the bill or a counterpart from the Senate. Without objection, the Chief of Staff is authorized to make technical, conforming and grammatical changes to the measure adopted by the Committee.

Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

I just wanted to announce to Members of the Committee that the Asia and the Pacific Subcommittee will hold a hearing on East Timor, and as a result of that hearing and the events that are occurring, Mr. Lantos and I hope to draft a bipartisan resolution which Members may want to consider tomorrow. I just wanted to advise that we are doing this.

The hearing is at 2 o'clock today. Thank you.

Chairman GILMAN. Thank you, Mr. Bereuter. If there is no further business.

Mr. ACKERMAN. Mr. Chairman, Mr. Chairman.

Chairman GILMAN. Mr. Ackerman.

Mr. ACKERMAN. Yes, in the interest of equal time, I would like to announce that our colleague, Joe Crowley, and his wife, Casey, have become new parents of Joseph Cullen. He will be called Cullen, which is the name under which he is registered to vote.

Chairman GILMAN. We join in congratulating him.

Mr. CROWLEY. It wasn't easy.

Chairman GILMAN. If there is no further business, the meeting stands adjourned. Thank you, gentleman and ladies.

[Whereupon, at 11:08 a.m., the Committee was adjourned.]

A P P E N D I X

SEPTEMBER 9, 1999

I

106TH CONGRESS
1ST SESSION

H. R. 2367

To reauthorize a comprehensive program of support for victims of torture.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1999

Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. GILMAN, and Ms. MCKINNEY) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To reauthorize a comprehensive program of support for victims of torture.

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 "Torture Victims Relief Reauthorization Act of 1999".

SEC. 2. FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years

1 2001, 2002, and 2003 pursuant to chapter 1 of part I
2 of the Foreign Assistance Act of 1961, there are author-
3 ized to be appropriated to the President $10,000,000 for
4 fiscal year 2001, $10,000,000 for fiscal year 2002, and
5 $10,000,000 for fiscal year 2003 to carry out section 129
6 of the Foreign Assistance Act of 1961.

7 (b) AVAILABILITY OF FUNDS.—Amounts appro-
8 priated pursuant to this section shall remain available
9 until expended.

10 **SEC. 3. DOMESTIC TREATMENT CENTERS FOR VICTIMS OF**
11 **TORTURE.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Of the
13 amounts authorized to be appropriated for the Depart-
14 ment of Health and Human Services for fiscal years 2001,
15 2002, and 2003, there are authorized to be appropriated
16 to carry out subsection (a) of section 5 of the Torture Vic-
17 tims Relief Act of 1998 (22 U.S.C. 2152) $10,000,000
18 for fiscal year 2001, $10,000,000 for fiscal year 2002, and
19 $10,000,000 for fiscal year 2003.

20 (b) AVAILABILITY OF FUNDS.—Amounts appro-
21 priated pursuant to this section shall remain available
22 until expended.

23 **SEC. 4. MULTILATERAL ASSISTANCE.**

24 (a) FUNDING.—Of the amounts authorized to be ap-
25 propriated for fiscal years 2001, 2002, and 2003 for "Vol-

1 untary Contributions to International Organizations" pur-
2 suant to chapter 3 of part I of the Foreign Assistance
3 Act of 1961, there are authorized to be appropriated only
4 for a United States contribution to the United Nations
5 Voluntary Fund for Victims of Torture (in this section re-
6 ferred to as the "Fund") the following amounts for the
7 following fiscal years:

8 (1) FISCAL YEAR 2001.—For fiscal year 2001,
9 $5,000,000.

10 (2) FISCAL YEAR 2002.—For fiscal year 2002,
11 $5,000,000.

12 (3) FISCAL YEAR 2003.—For fiscal year 2003,
13 $5,000,000.

14 (b) AVAILABILITY OF FUNDS.—Amounts appro-
15 priated pursuant to subsection (a) shall remain available
16 until expended.

17 (c) SENSE OF THE CONGRESS.—It is the sense of the
18 Congress that the President, acting through the United
19 States Permanent Representative to the United Nations,
20 should—

21 (1) request the Fund—

22 (A) to find new ways to support and pro-
23 tect treatment centers and programs that are
24 carrying out rehabilitative services for victims
25 of torture; and

1 (B) to encourage the development of new
2 such centers and programs;
3 (2) use the voice and vote of the United States
4 to support the work of the Special Rapporteur on
5 Torture and the Committee Against Torture estab-
6 lished under the Convention Against Torture and
7 Other Cruel, Inhuman or Degrading Treatment or
8 Punishment; and
9 (3) use the voice and vote of the United States
10 to establish a country rapporteur or similar proce-
11 dural mechanism to investigate human rights viola-
12 tions in a country if either the Special Rapporteur
13 or the Committee Against Torture indicates that a
14 systematic practice of torture is prevalent in that
15 country.
16 **SEC. 5. REPORTING REQUIREMENT.**
17 Not later than 90 days after the enactment of this
18 Act, the Secretary of State shall submit a report to the
19 Committee on Foreign Relations of the Senate and the
20 Committee on International Relations of the House of
21 Representatives on the specialized training for foreign
22 service officers required by section 7 of the Torture Vic-
23 tims Relief Act of 1998 (Public Law 105–320). The Re-
24 port shall include detailed information regarding—

1 (1) efforts by the Department of State to imple-
2 ment the specialized training requirement;
3 (2) the curriculum that is being used in the
4 specialized training;
5 (3) the number of foreign service officers who
6 have received the specialized training as of the date
7 of the Report; and
8 (4) the nongovernmental organizations that
9 have been involved in the development of the special-
10 ized training curriculum or in providing the special-
11 ized training, and the nature and extent of that in-
12 volvement.

AMENDMENT TO H.R. 2367

OFFERED BY MR. SMITH OF NEW JERSEY

Page 2, line 5, strike "section 129" and insert "section 130".

Page 3, line 3, strike "only".

Page 5, after line 12, add the following:

1 **SEC. 6. TECHNICAL AMENDMENTS RELATING TO THE SEC-**
2 **OND SECTION 129 OF THE FOREIGN ASSIST-**
3 **ANCE ACT OF 1961.**

4 (a) AMENDMENT TO FOREIGN ASSISTANCE ACT OF
5 1961.—The second section 129 of the Foreign Assistance
6 Act of 1961, as added by section 4(a) of the Torture Vic-
7 tims Relief Act of 1998 (Public Law 105–320), is redesig-
8 nated as section 130.

9 (b) AMENDMENT TO TORTURE VICTIMS RELIEF ACT
10 OF 1998.—Section 4(b)(1) of the Torture Victims Relief
11 Act of 1998 is amended by striking "section 129 of the
12 Foreign Assistance Act of 1961, as added by subsection
13 (a)" and inserting "section 130 of the Foreign Assistance
14 Act of 1961 (as redesignated by section 6(a) of the Tor-
15 ture Victims Relief Reauthorization Act of 1999)".

I

106TH CONGRESS
1ST SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1999

Mr. GILMAN (for himself, Mr. GEJDENSON, Mr. SENSENBRENNER, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

A BILL

To provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

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

1 International Relations of the House of Representatives
2 and the Committee on Foreign Relations of the Senate
3 a report identifying every foreign person with respect to
4 whom there is credible information indicating that that
5 person, on or after January 22, 1998, transferred to
6 Iran—

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

8 (A) the Nuclear Suppliers Group Guide-
9 lines for the Export of Nuclear Material, Equip-
10 ment and Technology (published by the Inter-
11 national Atomic Energy Agency as Information
12 Circular INFCIRC/254/Rev.3/Part 1) and
13 Guidelines for Transfers of Nuclear-Related
14 Dual-Use Equipment, Material, and Related
15 Technology (published by the International
16 Atomic Energy Agency as Information Circular
17 INFCIRC/254/Rev.3/Part 2);

18 (B) the Missile Technology Control Regime
19 Equipment and Technology Annex;

20 (C) the lists of items and substances relat-
21 ing to biological and chemical weapons the ex-
22 port of which is controlled by the Australia
23 Group;

24 (D) the list of items and substances the ex-
25 port of which is controlled pursuant to the Con-

1 vention on the Prohibition of the Development,
2 Production, Stockpiling and Use of Chemical
3 Weapons and on Their Destruction; or
4 (E) the Wassenaar Arrangement list of
5 Dual Use Goods and Technologies and Muni-
6 tions list; or
7 (2) goods, services, or technology not listed on
8 any list identified in paragraph (1) but which never-
9 theless would be, if they were United States goods,
10 services, or technology, prohibited for export to Iran
11 because of their potential contribution to the devel-
12 opment of nuclear, biological, or chemical weapons,
13 or of ballistic missile systems.
14 (b) TIMING OF REPORTS.—The reports under sub-
15 section (a) shall be submitted not later than 30 days after
16 the date of the enactment of this Act, not later than 6
17 months after such date of enactment, and not later than
18 the end of each 6-month period thereafter.
19 (c) EXCEPTIONS.—Any foreign person who—
20 (1) was identified in a previous report sub-
21 mitted under subsection (a) on account of a par-
22 ticular transfer, or
23 (2) has engaged in a transfer on behalf of, or
24 in concert with, the Government of the United
25 States,

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

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

11 **SEC. 3. APPLICATION OF MEASURES TO CERTAIN FOREIGN**
12 **PERSONS.**

13 (a) APPLICATION OF MEASURES.—Subject to sec-
14 tions 4 and 5, the President is authorized to apply with
15 respect to each foreign person identified in a report sub-
16 mitted pursuant to section 2(a), for such period of time
17 as he may determine, any or all of the measures described
18 in subsection (b).

19 (b) DESCRIPTION OF MEASURES.—The measures re-
20 ferred to in subsections (a) are the following:

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

1 (2) ARMS EXPORT PROHIBITION.—The United
2 States Government shall not sell to that foreign per-
3 son any item on the United States Munitions List
4 as in effect on August 8, 1995, and shall terminate
5 sales to that person of any defense articles, defense
6 services, or design and construction services under
7 the Arms Export Control Act.
8 (3) DUAL USE EXPORT PROHIBITION.—The au-
9 thorities of section 6 of the Export Administration
10 Act of 1979 shall be used to prohibit the export to
11 that person of any goods or technology on the con-
12 trol list established under section 5(c)(1) of that
13 Act.
14 (c) EFFECTIVE DATE OF MEASURES.—Measures ap-
15 plied pursuant to subsection (a) shall be effective with re-
16 spect to a foreign person—
17 (1) 30 days after the report identifying the for-
18 eign person is submitted, if the report is submitted
19 on or before the date required by section 2(b);
20 (2) 30 days after the date required by section
21 2(b) for submitting the report, if the report identi-
22 fying the foreign person is submitted within 30 days
23 after that date; or
24 (3) on the date that the report identifying the
25 foreign person is submitted, if that report is sub-

1 mitted more than 30 days after the date required by
2 section 2(b).
3 (d) PUBLICATION IN FEDERAL REGISTER.—The ap-
4 plication of measures to a foreign person pursuant to sub-
5 section (a) shall be announced by notice published in the
6 Federal Register.

7 **SEC. 4. PROCEDURES IF MEASURES ARE NOT APPLIED.**

8 (a) REQUIREMENT TO NOTIFY CONGRESS.—Should
9 the President not exercise the authority of section 3(a)
10 to apply any or all of the measures described in section
11 3(b) with respect to a foreign person identified in a report
12 submitted pursuant to section 2(a), he shall so notify the
13 Committee on International Relations of the House of
14 Representatives and the Committee on Foreign Relations
15 of the Senate no later than the effective date under section
16 3(c) for measures with respect to that person.
17 (b) WRITTEN JUSTIFICATION.—Any notification sub-
18 mitted by the President under subsection (a) shall include
19 a written justification describing in detail the facts and
20 circumstances relating specifically to the foreign person
21 identified in a report submitted pursuant to section 2(a)
22 that support the President's decision not to exercise the
23 authority of section 3(a) with respect to that person.
24 (c) SUBMISSION IN CLASSIFIED FORM.—When the
25 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 determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that, on the basis of information provided by that person, or otherwise obtained by the President, the President is persuaded that—

(1) the person did not, on or after January 22, 1998, 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); or

(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 missile systems.

1 (b) WRITTEN JUSTIFICATION.—Any determination
2 and report of the President under subsection (a) shall in-
3 clude a written justification describing in detail—
4 (1) the credible information indicating that the
5 person, on or after January 22, 1998, transferred to
6 Iran goods, services, or technology the apparent
7 transfer of which caused that person to be identified
8 in a report submitted pursuant to section 2(a);
9 (2) the additional information which persuaded
10 the President that the person did not, on or after
11 January 22, 1998, knowingly transfer to Iran goods,
12 services, or technology the apparent transfer of
13 which caused that person to be identified in a report
14 submitted pursuant to section 2(a); and
15 (3) the analysis of the information supporting
16 the President's conclusion.
17 (c) SUBMISSION IN CLASSIFIED FORM.—When the
18 President considers it appropriate, the determination and
19 report of the President under subsection (a), and the writ-
20 ten justification under subsection (b), or appropriate parts
21 thereof, may be submitted in classified form.

1 **SEC. 6. RESTRICTION ON EXTRAORDINARY PAYMENTS IN**
2 **CONNECTION WITH THE INTERNATIONAL**
3 **SPACE STATION.**

4 (a) RESTRICTION ON EXTRAORDINARY PAYMENTS IN
5 CONNECTION WITH THE INTERNATIONAL SPACE STA-
6 TION.—Notwithstanding any other provision of law, no
7 agency of the United States Government may make ex-
8 traordinary payments in connection with the International
9 Space Station to the Russian Space Agency, any organiza-
10 tion or entity under the jurisdiction of the Russian Space
11 Agency, or any other organization, entity, or element of
12 the Government of the Russian Federation, unless, during
13 the fiscal year in which the extraordinary payments in con-
14 nection with the International Space Station are to be
15 made, the President has made the determination described
16 in subsection (b), and reported such determination to the
17 Committee on International Relations and the Committee
18 on Science of the House of Representatives and the Com-
19 mittee on Foreign Relations and the Committee on Com-
20 merce, Science, and Transportation of the Senate.

21 (b) DETERMINATION REGARDING RUSSIAN CO-
22 OPERATION IN PREVENTING PROLIFERATION TO IRAN.—
23 The determination referred to in subsection (a) is a deter-
24 mination by the President that—

25 (1) it is the policy of the Government of the
26 Russian Federation to oppose the proliferation to

1 Iran of weapons of mass destruction and missile sys-
2 tems capable of delivering such weapons;
3 (2) the Government of the Russian Federation
4 (including all law enforcement, export promotion, ex-
5 port control, and intelligence agencies of such gov-
6 ernment) is taking the necessary steps to prevent
7 the transfer from Russia to Iran of goods, services,
8 and technology useful in the development of weapons
9 of mass destruction and missile systems capable of
10 delivering such weapons; and
11 (3) neither the Russian Space Agency, nor any
12 organization or entity under the jurisdiction or con-
13 trol of the Russian Space Agency, has, during the 1-
14 year period prior to the date of the determination
15 pursuant to this subsection, made transfers to Iran
16 reportable under section 2(a) of this Act (other than
17 transfers with respect to which a determination pur-
18 suant to section 5 has been or will be made).
19 (c) PRIOR NOTIFICATION.—Not less than 30 days be-
20 fore making a determination under subsection (b), the
21 President shall notify the Committee on International Re-
22 lations and the Committee on Science of the House of
23 Representatives and the Committee on Foreign Relations
24 and the Committee on Commerce, Science, and Transpor-

1 tation of the Senate of his intention to make such deter-
2 mination.

3 (d) WRITTEN JUSTIFICATION.—A determination of
4 the President under subsection (b) and a prior notification
5 under subsection (c) shall include a written justification
6 describing in detail the facts and circumstances sup-
7 porting the President's conclusion.

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

14 **SEC. 7. DEFINITIONS.**

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

17 (1) EXTRAORDINARY PAYMENTS IN CONNEC-
18 TION WITH THE INTERNATIONAL SPACE STATION.—
19 The term "extraordinary payments in connection
20 with the International Space Station" means pay-
21 ments in cash or in kind made or to be made by the
22 United States Government—

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

1 (B) for work on the International Space
2 Station, or for the purchase of goods or services
3 relating to human space flight, that are not re-
4 quired to be made under the terms of a con-
5 tract or other agreement that was in effect on
6 January 1, 1999, as those terms were in effect
7 on such date.
8 (2) FOREIGN PERSON; PERSON.—The terms
9 "foreign person" and "person" mean—
10 (A) a natural person that is an alien;
11 (B) a corporation, business association,
12 partnership, society, trust, or any other non-
13 governmental entity, organization, or group,
14 that is organized under the laws of a foreign
15 country or has its principal place of business in
16 a foreign country;
17 (C) any foreign governmental entity oper-
18 ating as a business enterprise; and
19 (D) any successor or subsidiary of any en-
20 tity described in subparagraph (B) or (C).
21 (3) EXECUTIVE ORDER 12938.—The term "Ex-
22 ecutive Order 12938" means Executive Order 12938
23 as in effect on January 1, 1999.

AMENDMENT IN THE NATURE OF A SUBSTITUE TO H.R. 1883 OFFERED BY MR. GILMAN AND MR. GEJDENSON

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. REPORTS ON PROLIFERATION TO IRAN.**

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

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

13 (A) the Nuclear Suppliers Group Guide-
14 lines for the Export of Nuclear Material, Equip-
15 ment and Technology (published by the Inter-
16 national Atomic Energy Agency as Information
17 Circular INFCIRC/254/Rev.3/Part 1, and sub-
18 sequent revisions) and Guidelines for Transfers
19 of Nuclear-Related Dual-Use Equipment, Mate-
20 rial, and Related Technology (published by the

1 International Atomic Energy Agency as Infor-
2 mation Circular INFCIRC/254/Rev.3/Part 2,
3 and subsequent revisions);
4 (B) the Missile Technology Control Regime
5 Equipment and Technology Annex of June 11,
6 1996, and subsequent revisions;
7 (C) the lists of items and substances relat-
8 ing to biological and chemical weapons the ex-
9 port of which is controlled by the Australia
10 Group;
11 (D) the Schedule One or Schedule Two list
12 of toxic chemicals and precursors the export of
13 which is controlled pursuant to the Convention
14 on the Prohibition of the Development, Produc-
15 tion, Stockpiling and Use of Chemical Weapons
16 and on Their Destruction; or
17 (E) the Wassenaar Arrangement list of
18 Dual Use Goods and Technologies and Muni-
19 tions list of July 12, 1996, and subsequent revi-
20 sions; or
21 (2) goods, services, or technology not listed on
22 any list identified in paragraph (1) but which never-
23 theless would be, if they were United States goods,
24 services, or technology, prohibited for export to Iran
25 because of their potential to make a material con-

1 tribution to the development of nuclear, biological, or
2 chemical weapons, or of ballistic or cruise missile
3 systems.

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

9 (c) EXCEPTIONS.—Any foreign person who—

10 (1) was identified in a previous report submit-
11 ted under subsection (a) on account of a particular
12 transfer, or

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

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

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

1 **SEC. 3. APPLICATION OF MEASURES TO CERTAIN FOREIGN**
2 **PERSONS.**

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

9 (b) DESCRIPTION OF MEASURES.—The measures re-
10 ferred to in subsections (a) are the following:

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

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

22 (3) DUAL USE EXPORT PROHIBITION.—The
23 President shall deny licenses and suspend existing li-
24 censes for the transfer to that person of items the
25 export of which is controlled under the Export Ad-

1 ministration Act of 1979 or the Export Administra-
2 tion Regulations.
3 (c) EFFECTIVE DATE OF MEASURES.—Measures ap-
4 plied pursuant to subsection (a) shall be effective with re-
5 spect to a foreign person no later than—
6 (1) 90 days after the report identifying the for-
7 eign person is submitted, if the report is submitted
8 on or before the date required by section 2(b);
9 (2) 90 days after the date required by section
10 2(b) for submitting the report, if the report identify-
11 ing the foreign person is submitted within 60 days
12 after that date; or
13 (3) on the date that the report identifying the
14 foreign person is submitted, if that report is submit-
15 ted more than 60 days after the date required by
16 section 2(b).
17 (d) PUBLICATION IN FEDERAL REGISTER.—The ap-
18 plication of measures to a foreign person pursuant to sub-
19 section (a) shall be announced by notice published in the
20 Federal Register.
21 **SEC. 4. PROCEDURES IF MEASURES ARE NOT APPLIED.**
22 (a) REQUIREMENT TO NOTIFY CONGRESS.—Should
23 the President not exercise the authority of section 3(a)
24 to apply any or all of the measures described in section
25 3(b) with respect to a foreign person identified in a report

1 submitted pursuant to section 2(a), he shall so notify the
2 Committee on International Relations of the House of
3 Representatives and the Committee on Foreign Relations
4 of the Senate no later than the effective date under section
5 3(c) for measures with respect to that person.

6 (b) WRITTEN JUSTIFICATION.—Any notification sub-
7 mitted by the President under subsection (a) shall include
8 a written justification describing in detail the facts and
9 circumstances relating specifically to the foreign person
10 identified in a report submitted pursuant to section 2(a)
11 that support the President's decision not to exercise the
12 authority of section 3(a) with respect to that person.

13 (c) SUBMISSION IN CLASSIFIED FORM.—When the
14 President considers it appropriate, the notification of the
15 President under subsection (a), and the written justifica-
16 tion under subsection (b), or appropriate parts thereof,
17 may be submitted in classified form.

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

20 (a) IN GENERAL.—Sections 3 and 4 shall not apply
21 to a foreign person 15 days after the President reports
22 to the Committee on International Relations of the House
23 of Representatives and the Committee on Foreign Rela-
24 tions of the Senate that the President has determined, on

1 the basis of information provided by that person, or other-
2 wise obtained by the President, that—
3 (1) the person did not, on or after January 1,
4 1999, knowingly transfer to Iran the goods, services,
5 or technology the apparent transfer of which caused
6 that person to be identified in a report submitted
7 pursuant to section 2(a);
8 (2) the goods, services, or technology the trans-
9 fer of which caused that person to be identified in
10 a report submitted pursuant to section 2(a) did not
11 materially contribute to Iran's efforts to develop nu-
12 clear, biological, or chemical weapons, or ballistic or
13 cruise missile systems;
14 (3) the person is subject to the primary juris-
15 diction of a government that is an adherent to one
16 or more relevant nonproliferation regime, and the
17 transfer of goods, services, or technology which
18 caused that person to be identified in a report sub-
19 mitted pursuant to section 2(a) was made consistent
20 with the guidelines and parameters of all such rel-
21 evant regimes of which such government is an ad-
22 herent; or
23 (4) the government with primary jurisdiction
24 over the person has imposed meaningful penalties on
25 that person on account of the transfer of the goods,

1 services, or technology which caused that person to
2 be identified in a report submitted pursuant to sec-
3 tion 2(a).
4 (b) SUBMISSION IN CLASSIFIED FORM.—When the
5 President considers it appropriate, the determination and
6 report of the President under subsection (a), or appro-
7 priate parts thereof, may be submitted in classified form.
8 **SEC. 6. RESTRICTION ON EXTRAORDINARY PAYMENTS IN**
9 **CONNECTION WITH THE INTERNATIONAL**
10 **SPACE STATION.**
11 (a) RESTRICTION ON EXTRAORDINARY PAYMENTS IN
12 CONNECTION WITH THE INTERNATIONAL SPACE STA-
13 TION.—Notwithstanding any other provision of law, no
14 agency of the United States Government may make ex-
15 traordinary payments in connection with the International
16 Space Station to the Russian Space Agency, any organiza-
17 tion or entity under the jurisdiction or control of the Rus-
18 sian Space Agency, or any other organization, entity, or
19 element of the Government of the Russian Federation, un-
20 less, during the fiscal year in which the extraordinary pay-
21 ments in connection with the International Space Station
22 are to be made, the President has made the determination
23 described in subsection (b), and reported such determina-
24 tion to the Committee on International Relations and the
25 Committee on Science of the House of Representatives

1 and the Committee on Foreign Relations and the Commit-
2 tee on Commerce, Science, and Transportation of the Sen-
3 ate.

4 (b) DETERMINATION REGARDING RUSSIAN CO-
5 OPERATION IN PREVENTING PROLIFERATION TO IRAN.—
6 The determination referred to in subsection (a) is a deter-
7 mination by the President that—

8 (1) it is the policy of the Government of the
9 Russian Federation to oppose the proliferation to
10 Iran of weapons of mass destruction and missile sys-
11 tems capable of delivering such weapons;

12 (2) the Government of the Russian Federation
13 (including the law enforcement, export promotion,
14 export control, and intelligence agencies of such gov-
15 ernment) has demonstrated and continues to dem-
16 onstrate through the implementation of concrete
17 steps a sustained commitment to seek out and pre-
18 vent the transfer to Iran of goods, services, and
19 technology that could make a material contribution
20 to the development of nuclear, biological, or chemical
21 weapons, or of ballistic or cruise missile systems, in-
22 cluding through the imposition of meaningful pen-
23 alties to persons who make such transfers; and

24 (3) neither the Russian Space Agency, nor any
25 organization or entity under the jurisdiction or con-

1 trol of the Russian Space Agency, has, during the 1-
2 year period prior to the date of the determination
3 pursuant to this subsection, made transfers to Iran
4 reportable under section 2(a) of this Act (other than
5 transfers with respect to which a determination pur-
6 suant to section 5 has been or will be made).

7 (c) PRIOR NOTIFICATION.—Not less than 30 days be-
8 fore making a determination under subsection (b), the
9 President shall notify the Committee on International Re-
10 lations and the Committee on Science of the House of
11 Representatives and the Committee on Foreign Relations
12 and the Committee on Commerce, Science, and Transpor-
13 tation of the Senate of his intention to make such deter-
14 mination.

15 (d) WRITTEN JUSTIFICATION.—A determination of
16 the President under subsection (b) and a prior notification
17 under subsection (c) shall include a written justification
18 describing in detail the facts and circumstances support-
19 ing the President's conclusion.

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

1 **SEC. 7. DEFINITIONS.**

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

4 (1) EXTRAORDINARY PAYMENTS IN CONNEC-
5 TION WITH THE INTERNATIONAL SPACE STATION.—
6 The term "extraordinary payments in connection
7 with the International Space Station" means pay-
8 ments in cash or in kind made or to be made by the
9 United States Government—

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

13 (B) for work on the International Space
14 Station, or for the purchase of goods or services
15 relating to human space flight, that are not re-
16 quired to be made under the terms of a con-
17 tract or other agreement that was in effect on
18 January 1, 1999, as those terms were in effect
19 on such date.

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

22 (A) a natural person that is an alien;

23 (B) a corporation, business association,
24 partnership, society, trust, or any other non-
25 governmental entity, organization, or group,
26 that is organized under the laws of a foreign

1 country or has its principal place of business in
2 a foreign country;
3 (C) any foreign governmental entity oper-
4 ating as a business enterprise; and
5 (D) any successor, subunit, or subsidiary
6 of any entity described in subparagraph (B) or
7 (C).
8 (3) EXECUTIVE ORDER 12938.—The term "Ex-
9 ecutive Order 12938" means Executive Order 12938
10 as in effect on January 1, 1999.
11 (4) ADHERENT TO RELEVANT NONPROLIFERA-
12 TION REGIME.—A government is an "adherent" to a
13 "relevant nonproliferation regime" if that
14 government—
15 (A) is a member of the Nuclear Suppliers
16 Group with respect to a transfer of goods, serv-
17 ices, or technology described in section
18 2(a)(1)(A);
19 (B) is a member of the Missile Technology
20 Control Regime with respect to a transfer of
21 goods, services, or technology described in sec-
22 tion 2(a)(1)(B), or is a party to a binding inter-
23 national agreement with the United States that
24 was in effect on January 1, 1999, to control the
25 transfer of such goods, services, or technology

1 in accordance with the criteria and standards
2 set forth in the Missile Technology Control Re-
3 gime;
4 (C) is a member of the Australia Group
5 with respect to a transfer of goods, services, or
6 technology described in section 2(a)(1)(C);
7 (D) is a party to the Convention on the
8 Prohibition of the Development, Production,
9 Stockpiling and Use of Chemical Weapons and
10 on Their Destruction with respect to a transfer
11 of goods, services, or technology described in
12 section 2(a)(1)(D); or
13 (E) is a member of the Wassenaar Ar-
14 rangement with respect to a transfer of goods,
15 services, or technology described in section
16 2(a)(1)(E).
17 (5) ORGANIZATION OR ENTITY UNDER THE JU-
18 RISDICTION OR CONTROL OF THE RUSSIAN SPACE
19 AGENCY.—(A) The term "organization or entity
20 under the jurisdiction or control of the Russian
21 Space Agency" means an organization or entity
22 that—
23 (i) was made part of the Russian Space
24 Agency upon its establishment on February 25,
25 1992;

1 (ii) was transferred to the Russian Space
2 Agency by decree of the Russian Government
3 on July 25, 1994, or May 12, 1998;
4 (iii) was or is transferred to the Russian
5 Space Agency by decree of the Russian Govern-
6 ment at any other time before, on, or after the
7 date of the enactment of this Act; or
8 (iv) is a joint stock company in which the
9 Russian Space Agency has at any time held
10 controlling interest.
11 (B) Any organization or entity described in subpara-
12 graph (A) shall be deemed to be under the jurisdic-
13 tion or control of the Russian Space Agency regard-
14 less of whether—
15 (i) such organization or entity, after being
16 part of or transferred to the Russian Space
17 Agency, is removed from or transferred out of
18 the Russian Space Agency; or
19 (ii) the Russian Space Agency, after hold-
20 ing a controlling interest in such organization
21 or entity, divests its controlling interest.

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Congress of the United States
House of Representatives

Committees:
SCIENCE
Chairman, Subcommittee on Space and Aeronautics
Subcommittee on Energy and Environment
INTERNATIONAL RELATIONS
Subcommittee on Asia and the Pacific
Subcommittee on International Economic Policy and Trade

August 25, 1998

The Honorable Karl F. Indefurth
Assistant Secretary of State for South Asian Affairs
Department of State
2201 C Street
Washington, D.C. 20520

Dear Secretary Indefurth:

I am writing to express my concern regarding the Clinton Administration policy on Afghanistan and your upcoming discussions with officials representing Pakistan and the Taliban. I sincerely hope that the Administration is not offering political and economic recognition from the Taliban for more of their empty promises that they will moderate their behavior. The U.S. should be making every effort towards implementing a two-track strategy that encourages Pakistan and Saudi Arabia to withdraw their political and material support of the Taliban, and that assists moderate Muslims in Afghanistan in dislodging the Taliban from power. Individual terrorists, such as Osama bin Laden, are primarily front men for a larger movement that is financed, in large part, by illicit drug revenues. This movement cannot be eradicated by cruise missiles or deal-making with fanatics. Instead, a comprehensive policy to empower democratic forces led by moderate leaders is required.

I am sorry that it appears that this Administration is making you the fall guy for a policy that is being formulated at a higher pay grade than your own. Obviously, I am giving you the benefit of the doubt on this. As cruise missiles blast into Afghanistan territory and Muslim extremists are being brought to a screaming rage, in Afghanistan the hope for a moderate government disappears. Someone is obviously responsible.

A very close look shows a policy that you inherited an unspoken policy of U.S. government support for Taliban control of Afghanistan. I can only conclude that this is part of an unholy deal made with Pakistan and Saudi Arabia. It is already reaping the bitter fruit -- that was easily predictable -- of terrorism beyond Afghanistan's borders and narcotics proliferation.

The Administration, through your office, has thwarted every effort to support a moderate alternative to Taliban advances in Afghanistan. Your supposed efforts to the contrary either were designed to fail and/or actually resulted in strengthening the position of the Taliban and their "guests" such as Osama bin Laden. No one with a straight face could have suggested giving

legitimacy to feudalistic Afghan mullahs -- through the Pakistani-promoted "ulema" plan that you endorsed -- as a means of ending the conflict in that troubled land.

I have ten years in Congress and a total of 15 years in government involved in some way with security issues concerning Afghanistan. During this Administration I have witnessed a sad reality that whenever any effort has been made by people in non-Taliban organizations attempt to resist the violent fanatics, your office -- before and during your tenure -- has always found an excuse not to help and has thwarted their efforts.

If there was ever any doubt which U.S. foreign affairs bureau takes the prize in gullibility, short-sightedness and clientitis, your office during the past couple of years wins the booby prize hands down. The tragic reward is an Afghanistan controlled by drug lords and anti-American fanatics who will use their $1 billion annual drug revenues to provide international terrorists safe haven while they kill Americans and undermine their neighbors, as well as destroying any chance for democracy in the Muslim world.

Because I am convinced there is an unspoken U.S. policy somewhere behind the current tragic situation, I am exercising my right as a senior member of the House International Relations Committee to conduct oversight of this Administration's Afghan policy.

This is an official request to forward to me all classified and unclassified cables, transcripts, notes, e-mails and memos relating to any communication with Saudi Arabia and Pakistan concerning Afghanistan from January 1996 through September 1998. If these documents are not forthcoming, I will request that the International Relations Committee subpoena them.

In order to comply with this request, you do not have to send all the documents at one time. Please send the documents in installments, as they are discovered. We expect to see at least some of the documents by September 15, 1998. Please deliver the documents to my office or the International Relations Committee. I do not expect to hear the excuses that all the documents had to be compiled and cleared en masse before any of the documents could be delivered.

With the dead bodies of Americans in East Africa and threats being made as never before, this issue needs to be taken especially seriously. U.S. officials and their advisors who are responsible for this incredibly failed policy will be held accountable.

With all due respect,

Dana Rohrabacher
Member of Congress

cc: Secretary Madeleine Albright
The Honorable Benjamin Gilman

DANA ROHRABACHER
45th District, California

Committees:
SCIENCE
Chairman, Subcommittee on Space and Aeronautics
Subcommittee on Energy and Environment
INTERNATIONAL RELATIONS
Subcommittee on Asia and the Pacific
Subcommittee on International Economic Policy and Trade

Congress of the United States
House of Representatives

WASHINGTON OFFICE:
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Huntington Beach, CA 92648–8118
(714) 960–8483 FAX: (714) 960–7806

dana@mail.house.gov
http://www.house.gov/rohrabacher/

August 3, 1999

The Honorable Karl F. Indefurth
Assistant Secretary of State for South Asian Affairs
Department of State
Washington, D.C. 20520

Dear Secretary Indefurth:

After over a year of requesting documents and information concerning the Administration's policies and activities concerning Afghanistan and the Taliban, your office transmitted an envelope with pitifully few documents. Most of those documents were photocopies of newspaper articles. You may think this is funny, Mr. Indefurth. It is an insult to me as a senior member of the International Relations committee, it is an insult to Chairman Gilman who joined me in this request, and it is an affront to the Congress. Your actions suggest a disdain for Congress' oversight responsibility.

Let me again remind you, I have asked for all documents concerning administration policy toward Afghanistan and the Taliban, including cables and diplomatic correspondence with American diplomats engaged in foreign policy initiatives and analysis. Chairman Gilman joined me in that request over six months ago. In November of last year, Secretary Albright promised the Committee that the requested documents would be forthcoming. As far as I am concerned, you are in contempt of Congress in both a legal and personal sense. There is no excuse for the delays and stonewalling instead of providing information requested by a legitimate Congressional oversight committee.

There are only a few explanations for your continued intransigence in meeting this lawful request for documents and information. All of those explanations reflect poorly on you, Secretary Albright and the Administration as a whole. Incompetence may be a reason, raw arrogance may be a reason. However, it is also possible, considering other actions taken by you and the Administration, that what we see is a reflection of a coverup of a covert policy supporting the Taliban in Afghanistan.

Considering the Taliban's assault on human rights, especially those of Afghan women, the charges of a covert policy of support for the Taliban deserved the utmost clarification by your office through the documents I requested. Instead, we've had delay and obfuscation. Taliban's current offensive aimed at destroying the last remnants of resistance to their tyrannical rule, makes your actions even more questionable. This letter will be sent to every member of the International Relations Committee and will be made part of the Congressional Record. Upon return from the Summer break, I will be asking that subpoenas be issued and that prosecution for contempt of Congress be considered.

Sincerely,

Dana Rohrabacher

Dana Rohrabacher
Member of Congress

cc: Members of the International Relations Committee

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Saudi Arabia

Saudi Arabia pressures Taliban for extradition of bombing suspects

12:48 GMT, 23 September 1998

RIYADH, Sept 23 (AFP) - Saudi Arabia has frozen its relations with the Taliban to push for the extradition of suspects in a 1996 anti-US bombing who are hiding in Afghanistan, a Riyadh-based diplomat said Wednesday.

"The Saudis are sure that suspects in the Dhahran attack are in Afghanistan under the protection of (Saudi dissident) Ossama bin Ladèn," the diplomat told AFP, asking for his name not to be used.

The bomb attack in June 1996 killed 19 US soldiers at their barracks in Khobar, near the eastern city of Dhahran.

It was to obtain the extradition of suspects in this bombing that Saudi Arabia decided to recall its charge d'affaires from Kabul and expel the Taliban's representative from Riyadh, the diplomat said.

Back to Index Next

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Top

Saudi denies plot to kill dissident Bin Laden

DUBAI, Dec 27 (Reuters) - Saudi Arabia on Sunday denied involvement in a failed plot to kill exiled dissident Osama bin Laden, accused by the United States of masterminding attacks against two of its embassies in Africa in August.

The official Saudi Press Agency (SPA) quoted a Saudi source as saying that remarks attributed by a Pakistani daily to bin Laden about the involvement of Saudi Arabia in the assassination attempt were "lies."

Bin Laden said in an interview published in the English-language The News on Saturday that Afghanistan's ruling Taleban militia foiled the assassination attempt and arrested three men involved.

The men were being held in prison in the southern Afghan city of Kandahar, the Taleban headquarters, it added.

One of the plotters "was offered one million Saudi riyals and the nationality of Saudi Arabia to accomplish the mission," bin Laden was quoted as saying.

He was interviewed on Wednesday night at a secret location near Kandahar, the paper said.

"These lies are fabricated and have no basis in truth," SPA quoted the source as saying.

The News also quoted Aiman Al-Zawahiri, head of Egypt's Islamic Jihad militant group and a friend of bin Laden, as saying that one of the alleged plotters had confessed and provided details of the assassination plot.

The United States, which accuses bin Laden of masterminding the bombings against its embassies in Kenya and Tanzania, has offered a record $5 million reward for information leading to his arrest and conviction.

Bin Laden has been living in Afghanistan and the ruling Taleban army, which controls most of the country, has refused to hand him over. The Taleban say he is an honoured guest and will be protected in keeping with Afghan tradition.

Bin Laden, in an interview broadcast by ABC News on Thursday, denied that he was behind the attacks on U.S. missions but said he supported them and knew some of those involved.

09:50 12-27-98

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before the HIRC Subcommittee on Asia and Pacific 10/22/97

Mr. Chairman, thank you for this opportunity to testify before this Committee.

Introduction

The fighting in Afghanistan has gone on for 18 years. The continuing conflict has had a grievous impact upon the Afghan people. Since 1978, more than a million people have died, and much of the capital of Kabul lies in ruins. Government offices, schools, hospitals, roads, and irrigation systems are in shambles. A once-thriving agricultural economy has been devastated; the main cash crop is now opium.

The war is exacerbating differences among ethnic groups that have lived side by side for centuries, but whose antagonisms now threaten to spill over into neighboring states. The continuing conflict has opened the door for interference by outside groups and nations, and kept Afghanistan from addressing problems like refugees, narcotics, arms-trafficking and terrorism that affect the region and beyond. The UN recently estimated that Afghanistan has overtaken Burma as the world's largest opium producer; while we cannot confirm that conclusion, no one will deny that the increased drug production and trafficking will result in increased suffering in Pakistan (where the number of drug addicts has reached 3 1/2 million), Europe, and ultimately the United States.

We also deplore the effect that this conflict has had upon the basic human rights of all Afghans, particularly those of women and girls under Taliban rule. As you know, I served the past four years in New York with then UN Ambassador Madeleine Albright and understand her views on this subject very well. In a speech to the Security Council on October 16 of last year, she said, and I quote, "This approach to women's rights is medieval; it cannot be justified or defended." I can assure you, Mr. Chairman, that Secretary of State Albright's concerns have not diminished since that time.

Since assuming my position in the South Asia Bureau, I have also had the opportunity to discuss the treatment of women and girls in Afghanistan with a number of human rights organizations. These organizations have undertaken an extraordinary effort to establish a network to monitor and take action on this matter. Women have never had it easy in Afghanistan; UNICEF estimates rural female literacy at around one percent, and urban literacy at around 15. Nevertheless, today's tightened rules on women's right to work and girls' right to education have made their situation far worse, and justifiably have shocked the world. We call upon the Taliban to lift its restrictions on the employment of women and the schooling of girls; we also call upon the Taliban and all the factions to abide by internationally-accepted norms of human rights.

The conflict in Afghanistan has another important consequence -- it makes it far more difficult to achieve our goal of fostering a Central Asia that is secure in its sovereignty and independence and economically integrated with the rest of the world.

week, I attended a meeting in New York hosted by UN Under Secretary General Prendergast and Ambassador Brahimi of the six nations bordering Afghanistan (Pakistan, Iran, Turkmenistan, Uzbekistan, Tajikistan, and China) plus the United States and Russia in a serious attempt to see how progress can be made toward a peaceful negotiated settlement. We welcome the active participation of these countries in the effort. We believe that all involved are needed and have a responsibility to work with the UN and bring their influence to bear upon the Afghan factions to end the fighting. Only then will we be able to see the beginning of a process that would result in a government that all Afghans would accept. When that does happen, I am confident that the UN will lead an effort to support the Afghan people in the reconstruction and economic development of their country.

The UN is already doing much, with our support, to alleviate the hardships in Afghanistan. Through the UN, we are helping to address one of the most tragic legacies of the war; the laying of an estimated ten million landmines. On October 1, Ambassador Richardson announced in New York an additional one million dollar U.S. contribution to the de-mining effort, bringing it to a total of three million dollars for the current year and 17.9 million dollars for this vital program since its inception.

Economic Reconstruction

Mr. Chairman, let me mention here that the willingness of the international community to provide aid to rehabilitate and reconstruct this shattered country may provide an important incentive for the warring factions to get together and make peace. This would tell the factions that if they cease fighting and meet the legitimate concerns of the international community, the international community will be there to help. Obviously, such an international effort will require a larger group, eventually to include such countries as Japan and Germany, both of whom want to help and have an important role to play. I would remind you that Afghanistan lost a great opportunity to rebuild in the 1990's when funds pledged for reconstruction could not be utilized because of continued fighting.

Current Efforts

Senior U.S. officials are discussing Afghanistan with all countries having an interest in the situation there. Under Secretary Pickering brought up the issue on his recent trip to India and Pakistan. Ambassador Richardson in his August trip and Ambassador Sestanovich next month are raising this topic in Russia and Central Asia. Secretary Albright will be discussing Afghanistan in Pakistan and India next month. I was at the UN for consultations in September and again last week. I have recently met officials from Pakistan, Russia, most of the Central Asian nations, Japan and Britain, as part of this coordinated effort to seek an end to the war. We must not forget, though, that our goal must be to arrange the international stage so that the Afghans may settle their own differences peacefully, among themselves.

I should add here that we also support the Intra-Afghan dialogue process, an attempt begun by Afghans such as Abdul Haq and Hamid Karzai, who are unaffiliated with the factions, and who have been joined by representatives of the former king, to seek paths to a negotiated peace. This group, which met in Istanbul last week, will be successful only if it avoids being co-opted by any of Afghanistan's warring factions or by outside parties.

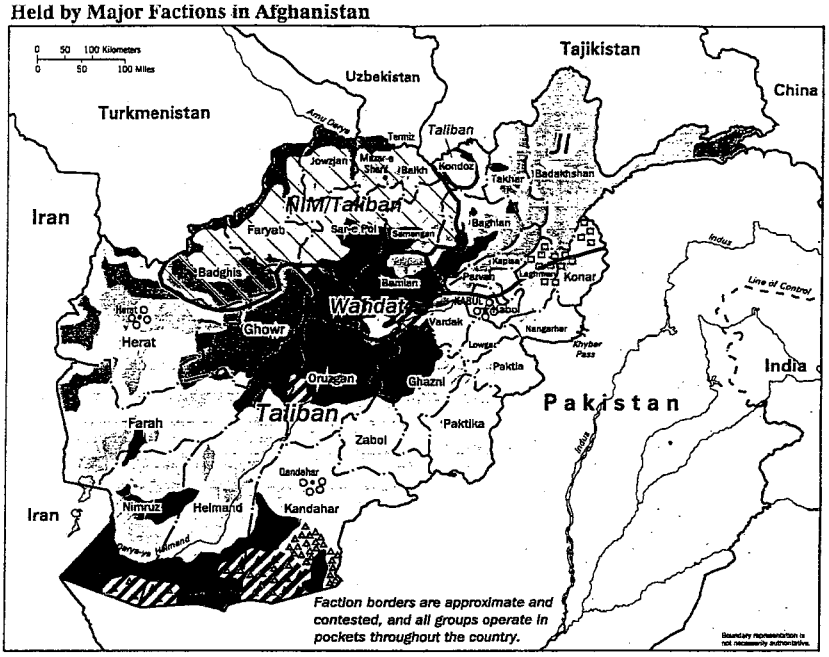
Finally, Mr. Chairman, let me say that we intend to persevere in our strict neutrality among the factions. Our commitment to this policy was demonstrated again in August, when we suspended the operations of the Afghan Embassy in Washington. We took this action not from lack of concern for Afghanistan, but because of factionalism within the Embassy. We look forward to the day when the Embassy may resume operations staffed by diplomats representing a government accepted by and truly representing all of Afghanistan's citizens. Of course we remain in contact with all of the significant Afghan groups and a wide variety of Afghan leaders. Last month, I met in New York with both Dr. Abdullah and General Payenda, representatives of the northern alliance, and Abdul Hakim Mujahid, designated by the Taliban to be Afghanistan's representative to the United Nations. My message to both groups was the same: cease-fire, negotiate, work with the UN, and respect international norms of behavior.

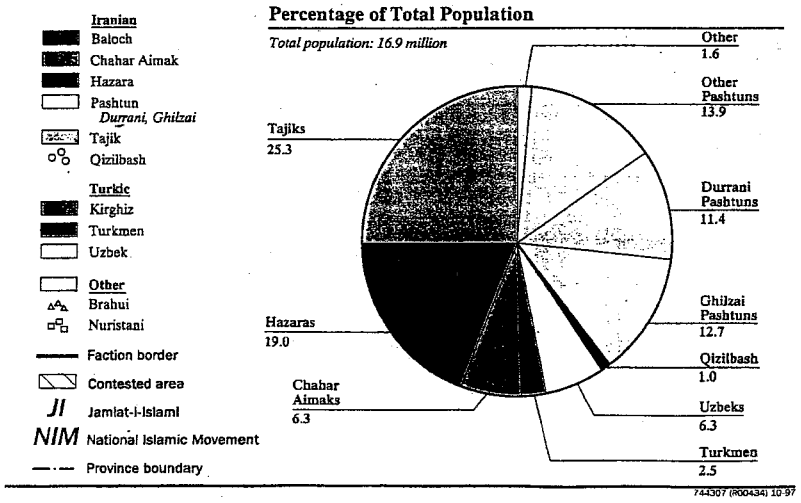
Conclusion

In conclusion, Mr. Chairman, it will not be an easy task to bring peace to Afghanistan. The first requirement has proven to be the most elusive, namely a commitment from all the warring factions to seek a negotiated settlement, and a demonstration of the political will that will be required to make it stick. If and when the parties demonstrate that political will, not just in words but in deeds, I believe the international community will be willing to assist them in making peace. I hope that day will come soon.

Thank you.

Held by Major Factions in Afghanistan





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Saudi Arabia

Saudi Arabia recalls diplomat from Kabul

19:23 GMT, 22 September 1998

RIYADH, Sept 22 (AFP) - Saudi Arabia announced Tuesday that it has recalled its charge d'affaires from Kabul and demanded the departure of the Afghanistan charge d'affaires from Riyadh, according to the official news agency SPA.

An official statement quoted by SPA said that "the minister of foreign affairs has informed (the Afghan authorities) of the immediate recall of the Saudi charge d'affaires in Afghanistan. The Afghan charge d'affaires in Riyadh has also been asked to leave the kingdom."

Saudi Arabia is one of only three nations, along with Pakistan and the United Arab Emirates, that recognises the fundamentalist Islamic Taliban militia, which now controls most of Afghanistan.

Previous | back to index | Next

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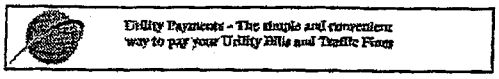

Saudi Arabia

Saudi expulsion of Taliban diplomat "linked to bin Laden"
10:04 GMT, 23 September 1998

RIYADH, Sept 23 (AFP) - The Taliban's charge d'affaires in Riyadh, Mulawi Shihab Eddin, on Wednesday said his expulsion from the kingdom is linked to the militia's support of Saudi dissident Ossama bin Laden.

"I believe that the Saudi decision is linked to the asylum given by the Taliban to Ossama bin Laden," the diplomat told AFP.

But he denied that there was any link between his expulsion and mounting regional tension around the escalating war of words between Iran and the Taliban.

On Wednesday, the diplomat was still waiting to be officially told of his expulsion. Saudi Arabia, Pakistan and the United Arab Emirates are the only three countries to formally recognise the Taliban as the legitimate rulers of Afghanistan.

Previous Back to Index Next

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Saudi Arabia Expels Afghan Diplomat

.o The Associated Press

RIYADH, Saudi Arabia (AP) -- Saudi Arabia has apparently decided to downgrade ties with Afghanistan because that country's Taliban militia is harboring Saudi dissident Osama bin Laden, a Afghan diplomat said today.

Bin Laden is wanted by American authorities for allegedly directing the Aug. 7 attacks on U.S. embassies in Kenya and Tanzania that killed 259 people, including 12 Americans, and wounded thousands.

Saudi Arabia announced late Tuesday it was expelling the Afghan charge d'affaires and recalling its representative from Kabul.

The decision came a day before Saudi Arabia's Crown Prince Abdullah was due to visit the United States, which has close relations with this oil-rich Gulf state.

The Afghan charge, Mowlai Shihab Dilawar, told The Associated Press today he has not been notified officially of the decision but had heard about it from news reports.

"I believe this decision was taken because of the presence in Afghanistan of Saudi dissident Osama bin Laden," Dilawar said.

Saudi Arabia is one of three countries that has recognized the Taliban militia as the legitimate government in war-wracked Afghanistan. The others are Pakistan and the United Arab Emirates.

The Taliban drove government forces from the capital of Kabul in 1996 and now control about 90 percent of Afghanistan.

In Kabul today, the Taliban expressed surprise at Saudi Arabia's action.

"We don't know the reason for its decision," the Taliban's foreign secretary, Maulvi Hafeezullah, told reporters.

He noted that bin Laden has given the Taliban assurances he won't carry out any political activities while in Afghanistan. The Taliban also are not prepared to turn him over to any other country, he said.

Hafeezullah suggested it might be best for Saudi Arabia if bin Laden stayed in Afghanistan, saying: "He may pose problems for Saudi Arabia if he left for another country." He did not elaborate.

Dilawar argued that the Taliban should not be held responsible for bin Laden's presence because he was in Afghanistan before the militia took over.

Bin Laden first went to Afghanistan in the 1980s to fight alongside Afghan mujahedeen trying to oust a Soviet occupation army.

The United States fired Tomahawk cruise missiles into Afghanistan and Sudan in retaliation for the Aug. 7 embassy bombings. In Afghanistan, the strikes targeted camps set up by bin Laden.

AP-NY-09-23-98 0608EDT

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Non-Paper for Use with Pakistan:
Afghanistan and the Taliban

-- The U.S. Government is gravely concerned by the situation in Afghanistan and with the deteriorating relationships among Afghanistan and its neighbors.

-- Iranian troops have massed on the border between Iran and Afghanistan, and Iranian diplomats have been evacuated from their embassy in Islamabad. Both Russia and India have given notice of their alarm about the Taliban's intentions toward its neighbors.

-- This situation could lead to actions that may have serious consequences for the Taliban and lead to their further isolation. At this time, the Taliban must realize that their opportunities to engage with the outside world are growing increasingly limited.

-- Clearly, the continued presence of Usama bin Laden in Afghanistan increases the Taliban's isolation.

-- In this context, we have heard suggestions that Usama bin Laden's status in Afghanistan could be determined by a "trial" of bin Laden conducted by a religious court made up of Afghan and Saudi clerics, through consultations between Afghan and Saudi delegations, or by a ulema court in Afghanistan.

-- Bin Laden continues to threaten U.S. citizens and U.S. interests around the world, including in Pakistan. He also threatens Saudi and Pakistani interests.

-- Our patience with the Taliban regarding bin Laden's status in Afghanistan is wearing thin. Any process selected by the Taliban to determine bin Laden's status must result in his swift expulsion from Afghanistan to the United States or Saudi Arabia. The process cannot serve as an excuse to defer or delay making a prompt decision. It must guarantee his expulsion. Time is running out for the Taliban to act in this manner.

-- Pakistan and the Taliban have a direct stake in the outcome of this matter for obvious reasons. We hope that you can use your influence with the Taliban and Pakistan to encourage them to make a swift decision on bin Laden that results in his prompt ejection from Afghanistan to the United States or Saudi Arabia.

DEPARTMENT OF STATE
DIPLOMATIC SECURITY

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USIA FOR VOA ACTING DIRECTOR HELL FROM AMBASSADOR

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TAGS: ASEC, OTRA, PK, AF
SUBJECT: TRAVEL OF VOA CORRESPONDENT TO AFGHANISTAN

REF: A) USIA 14263 (NOTAL), B) 93 STATE 144705

1. I APPRECIATE THE VIEWS OUTLINED REF. A CONCERNING THE PROPOSED TRAVEL OF VOA CORRESPONDENT BAKSHIAN TO KABUL AND MAZAR-I-SHARIF AND [redacted] HOWEVER, OUR UNDERSTANDING IS THAT REF. B, WHICH DELEGATES RESPONSIBILITY FOR APPROVAL OF TRAVEL BY USG EMPLOYEES INTO AFGHANISTAN TO THE CHIEF OF MISSION IN PAKISTAN, IS STILL IN EFFECT AND THAT THE USIA GENERAL COUNSEL RECONFIRMED IN 1994 THAT REF. B APPLIES TO VOA.

2. THE JUDGMENT OF OUR REGIONAL SECURITY OFFICER IS THAT WHILE TRAVEL TO MAZAR-I-SHARIF IS FEASIBLE, A VISIT TO KABUL AT THIS TIME POSES AN UNACCEPTABLE SECURITY RISK. I HAVE EXAMINED THE PROS AND CONS OF THE PROPOSED TRIP TO KABUL, AND WHILE I RECOGNIZE THE VALUE OF COVERING THE IMMUNIZATION STORY, I CANNOT SEE SUFFICIENT REASON TO OVERRULE MY RSO'S JUDGMENT THAT THERE IS A PHYSICAL DANGER IN TRAVELLING TO THE AFGHAN CAPITAL. BECAUSE OF THE THREAT OF MAJOR RENEWED HOSTILITIES AROUND KABUL (OVER 200 ROCKETS LANDED ON THE CAPITAL IN THE SPAN OF SIX DAYS ONLY A FEW WEEKS AGO), USG TRAVEL THERE NECESSARILY HAS BEEN CURTAILED; SOUTH ASIA ASSISTANT SECRETARY RAPHEL WAS UNABLE TO GET CLOSER THAN THE OUTSKIRTS OF KABUL DURING HER LAST VISIT TO THE REGION PRECISELY BECAUSE OF THE SECURITY SITUATION.

3. I SUGGEST VOA CONSIDER AVAILING OF THE SERVICES OF STRINGER TO COVER THE KABUL COMPONENT OF THIS USEFUL, BUT NOT CRITICAL, STORY. SIMONS

Travel Advisory

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y: Increasingly cloudy. 62. Low 50.
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s, Page E2.

YEAR No. 134

The Washington Post

SATURDAY, APRIL 18, 1998

U003

S. Wins Promise f Peace Talks Afghanistan

NNETH J. COOPER
ıgton Post Foreign Service

EBERGHAN, Afghanistan, April 17—U.N. Am-
lor Bill Richardson won agreement today from
nistan's Taliban regime and its factional oppo-
to participate in structured peace talks for the
me since the radical Islamic militia took control
capital 1 ½ years ago.

negotiations that Richardson, the first U.S.
l of cabinet rank to visit Afghanistan since 1974,
cted today with Afghan leaders in two cities
cantly deepened the involvement of the United
in resolving nearly a decade of civil war in this
erished, ethnically divided nation.

ıardson came close to committing the prestige of
ent Clinton to bringing peace to Afghanistan, a
ıat so far has eluded five mediators appointed by
nited Nations since the Soviet army ended a
-long occupation in 1989. Agreements were
ated among armed factions in 1992 and 1993,
fall apart, leading to intensified fighting.

sident Clinton wants peace in Afghanistan. This is
e are here," Richardson said after meeting with the
n's second-ranking leader, Mohammad Rabbani,

GHANISTAN, A16 Col. 1

BY R.K. RAMCASH—ASSOCIATED PRESS

U.N. envoy Bill Richardson meets with Afghan staff members who have maintained the U.S. Embassy in Kabul since it closed in 1989.

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69

Afghan Regime, Foes to Hold Talks

GHANISTAN, From A1

d his cabinet in Kabul, the capital, more than two hours.

The Taliban has captured about -thirds of Afghanistan since tak- up arms in 1994, seizing Kabul September 1996 and driving the ernment of then President Bur- uddin Rabbani—no relation to Taliban official—into armed op- ition in the north. The Taliban imposed its harsh brand of damentalist Islam on areas under control, and restrictions that it imposed on women have drawn sh condemnation from rights ups and foreign nations.

he prospect of renewed U.S. rest in Afghanistan helped mpt the Taliban, which has the tary upper hand over its faction- nemies, to drop objections to rvision of the peace talks by the ed Nations and Organization of nic Conference, sponsors en- ed by its northern-based foes. talks are scheduled to begin in 10 days.

addition, U.S. officials said that e Minister Nawaz Sharif of stan, whom Richardson met twice this week in Islamabad, slam's capital, pressured Taliban rs to agree to U.N.-supervised talks. Neighboring Pakistan strated the Taliban militia's ion, provided logistical support ast year became one of three ries to recognize it as Afghani- government.

think the Pakistanis are putting ure on them," said Karl F. Inderfurth, assistant secre- f state for South Asian affairs, accompanied Richardson on y trip to Afghanistan.

Under the agreement, representatives of the Taliban and opposition are to meet by April 27 in Islamabad to discuss a cease-fire and prisoner exchange. Japan has offered to host future talks on reconstructing Afghanistan, Richardson told reporters.

During the talks with Taliban leaders, Richardson held out the prospect of U.S. funding to help rebuild the country's war-damaged infrastructure if the Taliban seriously engaged in peace talks and improved its treatment of women.

Both sides promised not to launch military offensives, an annual rite of spring, until the peace talks begin.

Readiness for a spring offensive was apparent here in Sheberghan, the northern town where Richardson met Uzbek militia commander Abdurrashid Dostum, ousted president Rabbani, Shiite Muslim leader Karim Khalili and other opposition representatives. Sixteen Russian-made attack airplanes were parked at the airport controlled by Dostum where Richardson's U.N. plane landed, a noticeable increase in air power from what Dostum commanded a year ago.

The April 27 deadline also has historical significance: It marks the 20th anniversary of a communist coup that set off two decades of warfare in Afghanistan, first against the Soviets and then among the Afghan factions that ousted them with the help of several billion dollars' worth of weaponry supplied by the United States.

The last talks among the Afghan factions were held in February 1997, but they involved low-level leaders from both sides who met in Islamabad without a clear agenda. Shuttle diplomacy by Pakistan's interior minister in late 1996 also went nowhere.

Richardson made little headway with the Taliban on another concern of the Clinton administration and the international community: the regime's virtual ban on girls attending school and women working outside the home. In a visit to Pakistan last year, Secretary of State Madeleine K. Albright condemned the Taliban's treatment of women as "despicable."

The Taliban, according to Richardson, agreed to discuss with U.N. officials the establishment of single-sex universities where women could be educated in accord with the militia's strict interpretation of Islam. But the fundamentalist rulers yielded no ground on primary and secondary education of girls.

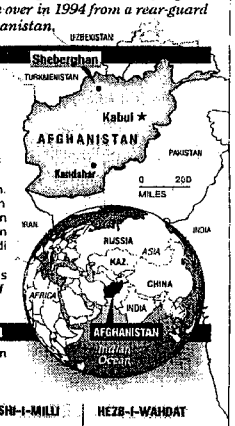
On work issues, the Taliban pledged to allow female Afghan doctors to treat women—as some physicians already have been doing—and let U.N. agencies hire Afghan women to deliver humanitarian assistance to women and girls.

The return of a U.S. cabinet officer to Kabul for the first time since then-Secretary of State Henry Kissinger visited in 1974 drew curious onlookers to watch Richardson's motorcade, which made its first stop at the U.S. embassy that was closed weeks before the 1989 Soviet invasion. There, Richardson laid flowers at a memorial to Adolph Dubs, U.S. ambassador to Afghanistan who was abducted and killed in a Kabul shootout in 1979.

According to a local reporter, one Afghan bystander watching the motorcade predicted that peace would come to his country only when the United States reopens the boarded-up embassy.

The Afghan Factions

The Kabul government appears to be moving toward peace talks with opposition guerrilla groups that have fought the Taliban since they took over in 1994 from a rear-guard area in far northern Afghanistan.



TALIBAN

Senior leader: Mohammad Omar

President: Mohammad Rabbani

The Taliban was formed in Kandahar in 1994 by Islamic students who take a radical approach to interpreting Islam. The Taliban captured Kabul in September 1996. The Taliban government in Kabul has been recognized by Pakistan, Saudi Arabia and United Arab Republic. Anti-Taliban factions still hold about 15 percent of the country in the north.

ANTI-TALIBAN COALITION

Three major groups formed an alliance after the Taliban captured Kabul:

JAMIAT-I-ISLAMI

Political Leader: Burhanuddin Rabbani, whose government was driven from Kabul by the Taliban.

Military Leader: Ahmed Shah Massoud, once Rabbani's defense minister.

The faction is dominated by ethnic Tajiks.

JUMBISHI-I-MILLI

Leader: Abdurrashid Dostum

The group is dominated by Uzbeks and was once allied with the former Soviet-installed government. But it played a key role in its collapse in 1992.

HEZB-I-WAHDAT

Leader: Karim Khalili

This minority Shiite Muslim faction originally was based in central province of Bamiyan.

THE WASHINGTON POST

Associated Press

Washington's representative to the United Nations, Bill Richardson, second from left, and President Clinton's special assistant, Bruce Riedel, left, joined hands yesterday with representatives of Afghanistan's factions.

Afghanistan Factions Agree to Cease-Fire

KABUL, Afghanistan, April 17 (AP) — Prodded by Washington's representative to the United Nations, Afghanistan's warring factions agreed today to a cease-fire, an exchange of prisoners and face-to-face talks.

The agreements were a significant first step, though many hurdles remain in the effort by the representative, Bill Richardson, to bring peace to Afghanistan. The war has claimed more than 50,000 lives since Muslim insurgents overthrew a Communist government in 1992 and then began battling among themselves.

Mr. Richardson held three hours of talks with President Mohammed Rabbani and other leaders of the Taliban, the militant Islamic movement that controls two-thirds of the country.

"We had good, positive negotiations," Mr. Richardson said afterward. He said face-to-face negotiations among the local warring parties could start at the end of this month.

Mr. Richardson, the highest-ranking American official to visit here in two decades, then took off for Sheberghan, 180 miles north of Kabul, for talks with the alliance that is fighting the Taliban. Gen. Abdul Rashid Dostum, a leader of the alliance, said he would be willing to join the talks, to suspend military operations and to exchange prisoners.

A step toward peace in a war that has claimed more than 50,000 lives.

Mr. Richardson said the peace talks would be held in Pakistan, where both sides have met separately with mediators.

In Kabul, Wakil Ahmad Mutawakel, a spokesman for the Taliban, confirmed that his side had agreed to talks and a cease-fire, and that it would release an unspecified number of prisoners of war by Saturday. The Taliban holds an estimated 4,000 war prisoners, while their opponents hold 3,000.

Fighting has been deadlocked on a front line north of Kabul for months.

Mr. Richardson began his visit here with a ceremony at the boarded-up United States Embassy, where he placed flowers at a memorial to the last American Ambassador to serve in the country, Adolph Dubs, who was killed in 1979 in a shootout between the police and his kidnappers, a renegade group representing minority Tajiks.

The Taliban has imposed its strict version of Islamic rule since taking control of Kabul in 1996. Schools for girls have been closed, women are not allowed to work outside the home and men must pray at the mosque and grow beards. The restrictions have hindered United Nations programs and generated international condemnation.

Mr. Richardson also discussed narcotics control and women's rights with the Taliban President. He said the Taliban had agreed to let women study at the university level and to work outside the home without being chaperoned by a male relative.

AFGHANISTAN: Points for Use with Prince Turki and Prince Saud

- Afghanistan needs peace. The region needs peace in Afghanistan.

- We all need to look at what we can do to bring peace to Afghanistan and the region. We support Brahimi and the UN as the best way to bring in the external and internal parties. We enthusiastically endorse and support his approach via the Group of Six Plus Two.

- But the conflict already is spilling over. Its effects include drugs, terrorism, arms trafficking, refugees, blocked trade routes to Central Asia. They only grow as the fighting continues.

- The Taliban cannot win a total victory, neither can the Northern Alliance. Resistance would go on. Reconstruction/aid would be hampered. The pipelines would not get the financing they need.

- Peace is in the interest of the entire region. The Central Asians fear spillover and see economic benefits.

- Iran would gain from stability and ending its refugee burden. It fears further isolation. It has been supportive in the Group of Six Plus Two.

- Russia also wants peace - fears spillover, sees economic benefits in regional stability.

- The war in Afghanistan has caused more harm to Pakistan than any other country except Afghanistan itself.

- Pakistan can only gain economically from the end of the war - pipelines to Pakistan, cheaper energy supplies, restored trade routes, end of refugee burden. and a reduction in terrorism, drugs, and arms-trafficking.

- Pakistan is in danger of being isolated both in the region and even in the West because of its support of the Taliban. It has alienated formerly friendly neighbors - Iran, Central Asians, even Turkey.

- The Taliban's human rights policies, particularly concerning women and girls, as well as its unwillingness to engage in negotiations have created problems for both the Taliban and Pakistan throughout the entire world.

- We do note some positive developments here - greater flexibility on negotiations, reported cooperation with the UN on ceasing narcotics production, opening up of Kabul hospitals to women - but these will need to be followed up. Their deeds must match their words.

- We hope that Saudi Arabia can use its influence with both Pakistan and the Taliban to help end this conflict. Saudi Arabia and you personally have the credibility with both parties to make clear that a military victory by the Taliban is not a possibility and the best result for all would be to resolve the conflict via a compromise solution.

- Your influence with Pakistan could be vital in persuading them that a quick end to the war is in their best interest and to exert Pakistani influence upon the Taliban in bringing them to the negotiating table.

- You also have direct influence upon the Taliban themselves.

- Our immediate goal is a cease-fire. The medium-term goal is a broad-based, multi-ethnic, representative government.

- The intra-Afghan dialogue process holds some promise here, though the organizers must avoid being coopted and the Taliban must be brought in. We support this process and note that one of the organizers, Abdul Haq, hopes to travel to Saudi Arabia and brief you regarding the process and its goals. We hope you will agree to such such a meeting.

- The Taliban should not fear being shut out of a future government. They control the majority of the country and we all recognize they will have the principal say-so. The Taliban and Pakistan should not try to squeeze out the last 10 percent. They must leave something on the table for the other side if this war is to end.

- The Secretary will be speaking along these lines to the Pakistani leadership. We hope you can reinforce this message with the Pakistanis as well as deliver similar points to the Taliban.

If asked: the UNGA Seat

- We do not like vacant seats at the UN for procedural and political reasons.At the same time, if the Taliban had shown greater moderation over the past year they might have some standing on this issue, but they haven't. (Recent positive developments , i.e. cooperation with UN on drugs, statements on women's access to hospitals, need to be followed up and, though welcome, pale upon comparison with other clear violations of international norms and onerous requirements imposed upon women and girls.) If there is true movement on these issues of concern, a vacant seat could be looked at. The seat should eventually go to a broad-based, representative, multi-ethnic government in any case.

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Statement of Congressman Joseph Crowley, House International Relations Committee
September 9, 1999.

Mr. Chairman. I speak today in strong support of H.R. 1883, the Iran Nonproliferation Act of 1999.

Everyone on this committee 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 (boosh-ear) 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. Chairman, 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. Chairman, 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 Nonproliferation Act.

Mr. Chairman, I commend you for introducing this important legislation and I urge my fellow Committee Members to vote in favor of reporting it.

AMENDMENT TO H.R. 1883

OFFERED BY MR. BRADY OF TEXAS

Page 11, after line 13, insert the following new subsection:

1 (f) SERVICE MODULE EXCEPTION.(1)The National
2 Aeronautics and Space Administration may make extraor-
3 dinary payments that would otherwise be prohibited under
4 this section to the Russian Space Agency, any organiza-
5 tion or entity under the jurisdiction of the Russian Space
6 Agency, or any subcontractor thereof for the construction,
7 testing, preparation, delivery, launch, or maintenance of
8 the Service Module if—
9 (A) the President has notified Congress at least
10 30 days before making such payments;
11 (B) no report has been made under section 2
12 with respect to an activity of the entity to receive
13 such payment, and the President has no information
14 of any activity that would require such a report; and
15 (C) the United States will receive a share of
16 ownership of the Service Module commensurate with
17 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.

United States Department of State

Washington, D.C. 20520

SEP 8 1999

Dear Mr. Chairman:

I am writing to provide you with the Department's position on H.R. 1883, the "Iran Nonproliferation Act of 1999."

The Department shares with the Congress a strong interest in promoting nonproliferation, and in combating Iran's efforts to acquire weapons of mass destruction and their missile delivery systems. And it is because of that strong interest we must oppose this legislation, which would end up undermining our nonproliferation efforts.

Because of its unworkably low standard of evidence and broad scope, the bill would cover scores of entities in member countries of the nonproliferation regimes -- even entities that had complied with the law and the rules of the nonproliferation regimes. This would have the effect of undermining multilateral support that is vital for us to prosecute the struggle against proliferation, in Iran and elsewhere, as well as support from our NATO and other allies in areas unrelated to nonproliferation.

In addition, the bill's onerous reporting requirements would divert scarce resources away from the fight against proliferation and into unnecessary repetition of existing reports and briefings to Congress. The bill's sanctions themselves are equally unnecessary, given the wide range of existing nonproliferation sanctions laws and the discretionary legal authorities that the Administration already has applied to penalize Russian entities involved with Iran's missile and nuclear programs.

As we have indicated in recent briefings, the bill is particularly inappropriate now that we have achieved substantial progress with the Russian government in establishing the policy, legislative, and institutional basis for a system of effective export controls. These controls, in turn, are essential for Russia to be able to police its own industries, scientists, and

The Honorable
Benjamin A. Gilman, Chairman,
Committee on International Relations,
House of Representatives.

engineers. The successful working of this new system is essential to achieving the objective we all share -- stemming the flow of Russian technology and expertise to Iran. Having this bill come into force would be particularly damaging at this crucial stage, would ignore the progress we have achieved, and would undermine the efforts of those Russian officials who have been cooperating with us to strengthen export control.

Finally, since the determination standard on extraordinary Space Station funding cannot be met, the bill would be seen as undercutting U.S. commitments to Europe, Canada, Japan and others -- further diminishing those countries' incentives to cooperate with us on nonproliferation issues -- and risk denying thousands of Russian missile-tech experts the opportunity to apply their expertise to civil space cooperation rather than proliferation.

For these reasons, the Department believes that the bill is counterproductive and should be opposed.

Sincerely,

Barbara Larkin

Barbara Larkin
Assistant Secretary
Legislative Affairs