

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, April 11, 2008.

Hon. JOSEPH R. BIDEN,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Aeronautics and Space Administration (NASA) proposes the enclosed amendment to the Iran, North Korea, and Syria Nonproliferation Act (50 USC 1701 note). The purpose of the amendment is to permit NASA to continue to procure Russian support for the International Space Station (ISS) until suitable U.S. capabilities are in place. We urge enactment of this important amendment.

The amendment provides a balanced approach, maintaining both U.S. nonproliferation principles and objectives as well as a U.S. presence on ISS. The justification and purpose for this proposed amendment are stated more fully in the enclosed sectional analysis. As an overview, NASA has procured Soyuz services through the fall of 2011, consistent with existing authority under the Act. However, U.S. obligations to provide crew transportation and emergency services to the ISS continue beyond 2011, and Soyuz will be the only viable option for the United States to meet these obligations until the U.S. Orion Crew Exploration Vehicle or U.S. commercial providers can provide such transportation and rescue services. Fabrication of Soyuz vehicles must begin approximately 36 months prior to launch, according to the responsible Russian entities. Thus, unless contractual arrangements for the provision of crew rescue and rotation services beyond 2011 are concluded in 2008, the production of Soyuz vehicles for U.S. crew transportation requirements will be at risk. This, in turn, means that prompt legislative action is needed to provide further relief beyond 2011 and allow for the negotiation of these arrangements.

The Office of Management and Budget advises that there is no objection to the submission of this legislation from the standpoint of the Administration's program.

Sincerely,

MICHAEL D. GRIFFIN,
Administrator.

AMENDMENT TO THE IRAN, NORTH KOREA, AND
SYRIA NONPROLIFERATION ACT
SECTIONAL ANALYSIS

The Administration remains committed to the important objective of persuading the Russian Government and Russian entities to improve their nonproliferation efforts regarding Iran, North Korea, and Syria. Accordingly, the proposed amendment to the Iran, North Korea, and Syria Nonproliferation Act (the Act) would maintain key existing U.S. nonproliferation tools while allowing payments to Russian entities that support U.S. obligations to the International Space Station (ISS) beyond December 31, 2011.

The provision would extend the Act's exception to the prohibition on "extraordinary payments" to the Russian government and Russian entities for goods or services relating to the ISS from January 1, 2012 to the end of the life of the ISS. It would exclude from the exception any payments after December 31, 2011 for cargo services provided by a Progress vehicle. The new provision would also exclude from the exception payments for crew transportation or rescue services provided by a Soyuz vehicle once (1) the U.S. Orion Crew Exploration Vehicle reaches Full Operational Capability or (2) a U.S. commercial provider of crew transportation and rescue services demonstrates the capability to meet ISS mission requirements.

An international partnership governed by an Intergovernmental Agreement (IGA)

among the United States, Canada, multiple European States, Japan and Russia established the ISS. This partnership is a long-standing and interdependent one, with roles and responsibilities outlined in the IGA and subordinate agreements for design, development and operations of the program. Pursuant to the IGA and subordinate agreements, NASA has an obligation to its non-Russian ISS Partners to provide crew rotation and rescue services during the life of the ISS. Currently, the Russian vehicle Soyuz is the sole provider of rescue services, with the Space Shuttle providing crew transportation. After Shuttle retirement, the partnership will be dependent on Russia to provide both crew transportation and rescue services with Soyuz until the U.S. Orion Crew Exploration Vehicle (CEV) achieves Full Operational Capability (currently projected for 2016) and can provide crew transportation and rescue services, or a U.S. commercial provider can demonstrate the capability to provide crew transportation and rescue services to meet ISS mission needs.

NASA has procured Soyuz services through the fall of 2011, consistent with existing authority under the Act. Fabrication of Soyuz vehicles must begin approximately 36 months prior to launch based upon information provided by the Russian entities responsible for manufacturing these vehicles. Thus, unless contractual arrangements for rescue and crew rotation services after 2011 are concluded in 2008, the production of Soyuz vehicles for U.S. crew transfer and rescue will be at risk. This in turn means that prompt legislative action is needed to provide further relief beyond 2011 and allow for the negotiation of these arrangements.

Absent the proposed relief, the United States will be unable to meet one of its most critical partner obligations: providing crew transportation and rescue services to European, Japanese and Canadian crews. The United States would not have an American "presence" aboard the ISS, either in terms of astronauts or access to research facilities for the U.S. scientific community, if we could not purchase crew transportation and rescue services from Russia, as no non-Russian crew transfer vehicles will be available until the CEV reaches full operational capability or a U.S. commercial provider demonstrates the capability to meet ISS crew transportation and rescue needs. Given NASA's operational, engineering, safety and other responsibilities for the ISS, NASA is concerned whether the ISS could remain fully operational for any significant time period absent an American presence.

Moreover, the authority under the present exception to the Act has been used to obtain ancillary goods and services from Russia in addition to crew transport and rescue. For example, although purchased from Russia, the Zarya module is legally a U.S. element under the Space Station agreements and NASA must purchase unique tools and engineering support, such as sustaining software, from Russia for the continued operation of the module. NASA will have a continuing requirement to procure certain goods and services where Russia offers unique capabilities, such as those related to Russian space suits, software and hardware engineering support, and Extravehicular Activity tools and training, which are required for effective operations onboard the ISS. This amendment will allow NASA to continue to purchase such goods and services that are necessary to meet U.S. responsibilities under the Space Station Agreements.

In addition, this limited relief being requested (i.e., through the life of the ISS) may be necessary even after a U.S. commercial capability is available, because some potential U.S. commercial providers of cargo

services and of crew transportation and rescue services have Russian contractors or other relationships with Russian entities that, without this amendment, could trigger the Act's "extraordinary payment" prohibition.

With respect to furthering the United States' nonproliferation objectives and tools, in addition to the positive incentive provided by prudent, closely monitored space cooperation in areas of great benefit to the United States, the proposed amendment would not affect the current nonproliferation framework. The first five sections of the Act establish a requirement to report to Congress on every foreign person that transfers controlled items to, or acquires controlled items from, Iran, Syria or North Korea and authorizes sanctions against such foreign persons. These key reporting and sanctions provisions would not be affected by the proposed amendment. In addition, the amendment leaves in place the ban on any United States government agency making extraordinary payments in connection with the ISS or other human space flight to any persons (including entities) subject to sanctions under the Act or the Proliferation of Weapons of Mass Destruction Executive Order (E.O. 12938, as amended by E.O. 13094) or if the U.S. government agency (in consultation with other interested U.S. government agencies) anticipates that such payments will be passed on to such persons. Finally, specific proposals for cooperation with Russia would continue to be subject to review under relevant mechanisms such as the State Department's Circular 175 process for interagency review of international agreements. Likewise, export and import licensing regulations would ensure that U.S. nonproliferation objectives are maintained.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 87—CONGRATULATING THE REPUBLIC OF LATVIA ON THE 90TH ANNIVERSARY OF ITS DECLARATION OF INDEPENDENCE

Mr. SMITH (for himself and Mr. DURBIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 87

Whereas, on November 18, 1918, in the City of Riga, the members of the People's Council proclaimed Latvia a free, democratic, and sovereign nation;

Whereas, on July 24, 1922, the United States formally recognized Latvia as an independent and sovereign nation;

Whereas Latvia existed for 21 years as an independent and sovereign nation and a fully recognized member of the League of Nations;

Whereas Latvia maintained friendly and stable relations with its neighbors, including the Soviet Union, during its independence, without any border disputes;

Whereas Latvia concluded several peace treaties and protocols with the Soviet Union, including a peace treaty signed on August 11, 1920, under which the Soviet Union "unreservedly recognize[d] the independence and sovereignty of the Latvian State and forever renounce[d] all sovereign rights ... over the Latvian people and territory";

Whereas, despite friendly and mutually productive relations between Latvia and the Soviet Union, on August 23, 1939, Nazi Germany and the Soviet Union signed the Molotov-Ribbentrop Pact, which contained a secret protocol assigning Latvia, Estonia, and Lithuania to the Soviet sphere of influence;

Whereas, under the cover of the Molotov-Ribbentrop Pact, on June 17, 1940, Latvia, Estonia, and Lithuania were forcibly incorporated into the Soviet Union in violation of pre-existing peace treaties;

Whereas the Soviet Union imposed upon the people of Estonia, Latvia, and Lithuania a communist political system that stifled civil dissent, free political expression, and basic human rights;

Whereas the United States never recognized this illegal and forcible occupation, and successive United States presidents maintained continuous diplomatic relations with these countries throughout the Soviet occupation, never accepting them to be "Soviet Republics";

Whereas, during the 50 years of Soviet occupation of the Baltic states, Congress strongly, consistently, and on a bipartisan basis supported a United States policy of legal non-recognition;

Whereas, in 1953, the congressionally-established Kersten Commission investigated the incorporation of Latvia, Estonia, and Lithuania into the Soviet Union and determined that the Soviet Union had illegally and forcibly occupied and annexed the Baltic countries;

Whereas, in 1982, and for the next nine years until the Baltic countries regained their independence, Congress annually adopted a Baltic Freedom Day resolution denouncing the Molotov-Ribbentrop Pact and appealing for the freedom of the Baltic countries;

Whereas, in 1991, Latvia, Estonia, and Lithuania regained their de facto independence and were quickly recognized by the United States and by almost every other country in the world, including the Soviet Union;

Whereas, in 1998, the United States and the three Baltic nations signed the U.S.-Baltic Charter of Partnership, an expression of the importance of the Baltic Sea region to United States interests;

Whereas the 109th Congress resolved (S. Con. Res. 35 and H. Res. 28) that "it is the sense of Congress that the Government of the Russian Federation should issue a clear and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia and Lithuania, the consequences of which will be a significant increase in good will among the affected people";

Whereas Latvia has successfully developed as a free and democratic country, ensured the rule of law, and developed a free market economy;

Whereas the Government of Latvia has constantly pursued a course of integration of that country into the community of free and democratic nations, becoming a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas the people of Latvia cherish the principles of political freedom, human rights, and independence; and

Whereas Latvia is a strong and loyal ally of the United States, and the people of Latvia share common values with the people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the people of Latvia on the occasion of the 90th anniversary of that country's November 18, 1918, declaration of independence;

(2) commends the Government of Latvia for its success in implementing political and economic reforms, for establishing political, religious and economic freedom, and for its

strong commitment to human and civil rights;

(3) recognizes the common goals and shared values of the people of Estonia, Latvia, and Lithuania, the close and friendly relations and ties of the three Baltic countries with one other, and their tragic history in the last century under the Nazi and Soviet occupations;

(4) calls on the President to issue a proclamation congratulating the people of Latvia on the 90th anniversary of the declaration of Latvia's independence on November 18, 1918;

(5) respectfully requests the President to congratulate the Government of Latvia for its commitment to democracy, a free market economy, human rights, the rule of law, participation in a wide range of international structures, and security cooperation with the United States Government; and

(6) calls on the President and Secretary of State to urge the Government of the Russian Federation to acknowledge that the Soviet occupation of Latvia, Estonia, and Lithuania under the Molotov-Ribbentrop Pact and for the succeeding 51 years was illegal.

Mr. SMITH. Mr. President, I rise today to introduce a bill with my distinguished colleague, the senior Senator from Illinois, commemorating the 90th anniversary of Latvia's independence.

This past century saw more than its share of tragedy, as the twin evils of fascism and communism seeded mankind with misery unknown to earlier generations. Nazi and Soviet totalitarianism did their best to stamp out the individualistic spirit among their adherents, and forge them instead into a single mailed fist suited only for war, plunder, and oppression. Though the struggle against both was long and often dark, rays of light continually pierced the clouds. One such ray was the establishment of Israel, whose 60th anniversary we are commemorating this year. Another was the independence, sporadic though it began, of independent Baltic republics like Latvia. The modern state of Latvia was born in days of hope after the calamity of the Great War, days when so many of the subjugated peoples of Europe achieved independence. On November 18, 1918, Latvia became free. The U.S. recognized Latvia less than 4 years later.

It is both Latvia's blessing and its curse to sit on a historical crossroads. The Baltic region has been an important trading hub for hundreds of years, stretching back to the days of Vikings and Byzantium. Latvians, surrounded by powerful neighbors and wealthy trading states, have thus led a perilous existence. Tragically, but not fatally, Latvia's post-1918 existence was to be similarly perilous. Through a secret protocol with the Nazis, the U.S.S.R. occupied Latvia in the beginning of World War II, and retained control until the final collapse of the Soviet state in 1991. At that moment, ravished by communism and beset by historical injustice, Latvians made a bold choice to build a free, democratic, and prosperous Western-oriented society. They have since succeeded brilliantly, achieving high levels of economic and political freedom, and enjoying one of the highest living standards among ex-

communist countries. Latvia today stands as a model of Western, free-market democracy, and America stands with it.

I am very proud that Latvia is no longer in peril. It is a valuable member of NATO, and leads a new wave of pro-growth nations in the European Union. I am honored to introduce this resolution with Senator DURBIN, and commend Latvia on its 90th anniversary of independence.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public an addition to a previously announced hearing before the Committee on Energy and Natural Resources, Subcommittee on National Parks.

The hearing will be held on June 17, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the subcommittee will also consider S. 3096, a bill to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

SIGNING AUTHORIZATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the majority leader, Senator REID of Nevada, be authorized to sign duly enrolled bills and joint resolutions through June 16, 2008.

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

ORDERS FOR TUESDAY, JUNE 10, 2008

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, June 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S. 3044, the Consumer-First Energy Act; that there be 1 hour for debate prior to the cloture vote, equally divided and controlled between the two leaders or their designees, with the final 20 minutes equally divided between the two leaders or