The best alternative to the present regime is to encourage Iranians opposed to its brutal repression to continue to work for democracy and freedom. To this end, this bill provides financial and political assistance to individuals and organizations that support democracy in Iran.

In addition, the legislation specifically targets for sanctions those who are part of, or associated with, the Islamic Revolutionary Guard Corps—the Iranian regime's arm of repression who wantonly violate the human rights of the Iranian people.

Taken together, these measures constitute the imposition of crippling sanctions against the Iranian government and those who do business with it.

This bill delivers one message to the Iran's leaders: stop now.

We cannot tolerate an Iran armed with nuclear weapons, and the means to deliver them against Israel and other countries, such as Saudi Arabia, in the Middle East.

The very best strategy to stop Iran's nuclear program is to make business and commerce in Iran untenable for as long as Iran is pursuing a nuclear capability, and to target the regime's repressive elements—the Revolutionary Guard—with massive penalties.

By every indication, time—and patience—with Iran is growing shorter. This legislation is the least we can do to bring relentless pressure on Iran to change course.

I support this bill and once again thank Representative HOWARD BERMAN for his courageous leadership in helping us face the most dangerous foreign policy crisis in the world today.

Mr. HOLT. Mr. Speaker, the recent IAEA report on Iran's nuclear program indicates that Iran continues to pursue a clandestine nuclear weapons program. Specifically, the IAEA's November 2011 report noted that Iran has carried out a number of activities that are relevant to the development of a nuclear explosive device. These include efforts, some successful, to procure nuclear related and dual-use equipment and materials by military related individuals; efforts to develop undeclared pathways for the production of nuclear material; the acquisition of nuclear weapons development information and documentation from a clandestine nuclear supply network; and work on the development of an indigenous design of a nuclear weapon including the testing of components.

These are ominous developments that the House simply cannot ignore.

I am glad that the House is considering this legislation. I recognize that sanctions like this are crude instruments, but the threatening actions of the government of Iran must be countered. This bill will help increase diplomatic pressure on Iran by further tightening sanctions, particularly on entities associated with Iran's Revolutionary Guard Corps (IRGC), which is a key player in Iran's nuclear weapons acquisition effort. The IRGC's activities are a key reason why this legislation is necessary.

I recognize that this legislation is not perfect. I am particularly troubled by a provision that was added during the committee mark up that would make it extremely difficult for American officials to meet directly or indirectly with some Iranian officials. I vote for this with the expectation that this particular provision will be modified before it goes to the President for his signature.

Today we are also considering H.R. 2105, which would strengthen our nonproliferation regime against Iran, North Korea, and Syria. It's worth remembering that Syria had an undeclared nuclear facility under construction at the time it was bombed a few years ago. This bill would impose a series of new constraints on countries that may be thinking about, or are known or suspected to be, supplying proliferation-related technology to any of these three states. One provision would prohibit U.S. nuclear cooperation with a country that is assisting the nuclear program of Iran, North Korea, or Syria, or is transferring advanced conventional weapons to such countries.

I regret that these bills are necessary. I wish that our past peaceful, diplomatic efforts had produced changes in their proliferation-related behavior. Unfortunately, they have not. These rogue regimes are willing to tolerate considerable international isolation as they continue to pursue prohibited weapons programs. But I believe there is a point at which the diplomatic and economic isolation will begin to threaten their hold on power, and it is when that point is reached that we will likely have our best chance of peacefully disarming these rogue states. That is why I still believe that diplomacy, backed by enforceable sanctions, can ultimately achieve the goal we all share, and why I will support these bills.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 1905, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 2100

IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION REFORM AND MODERNIZATION ACT OF 2011

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2105) to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2105

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Statement of policy.
Sec. 3. Reports on proliferation relating to Iran, North Korea, and Syria.
Sec. 4. Application of measures to certain foreign persons.
Sec. 5. Determination exempting a foreign person from the application of certain measures.
Sec. 6. Restrictions on nuclear cooperation with countries aiding proliferation by Iran, North Korea, or Syria.
Sec. 7. Identification of countries that enable proliferation to or from Iran, North Korea, or Syria.
Sec. 8. Prohibition on United States assistance to countries assisting proliferation activities by Iran, North Korea, or Syria.
Sec. 9. Restriction on extraordinary payments in connection with the International Space Station.
Sec. 10. Exclusion from the United States of senior officials of foreign persons who have aided proliferation relating to Iran.
Sec. 11. Prohibition on certain vessels landing in the United States; enhanced inspections.
Sec. 12. Sanctions with respect to critical defense resources provided to or acquired from Iran, North Korea, or Syria.
Sec. 13. Definitions.
Sec. 14. Repeal of Iran, North Korea, and Syria Nonproliferation Act.

SEC. 2. STATEMENT OF POLICY.

It shall be the policy of the United States to fully implement and enforce sanctions against Iran, North Korea, and Syria for their proliferation activities and policies.

SEC. 3. REPORTS ON PROLIFERATION RELATING TO IRAN, NORTH KOREA, AND SYRIA.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act and every 120 days thereafter, the President shall transmit to the appropriate congressional committees a report identifying every foreign person with respect to whom there is credible information indicating that such person—

(1) on or after January 1, 1999, transferred to or acquired from Iran, on or after January 1, 2005, transferred to or acquired from Syria, or on or after January 1, 2006, transferred to or acquired from North Korea—

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

(i) the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 2, and subsequent revisions);

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

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

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

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

(B) goods, services, or technology not listed on any list specified in subparagraph (A) but which nevertheless would be, if such goods, services, or technology were United States goods, services, or technology, prohibited for export to Iran, North Korea, or Syria, as the case may be, because of the potential of such goods, services or technology to make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems or destabilizing types and amounts of conventional weapons;

(2) except as provided in subsection (b), on or after the date of the enactment of this Act, acquired materials mined or otherwise extracted within the territory or control of Iran, North Korea, or Syria, as the case may be, for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be;

(3) on or after the date of the enactment of this Act, transferred to Iran, Syria, or North Korea goods, services, or technology that could assist efforts to extract or mill uranium ore within the territory or control of Iran, North Korea, or Syria, as the case may be;

(4) on or after the date of the enactment of this Act, provided to Iran, Syria, or North Korea destabilizing types and amounts of conventional weapons and technical assistance; or

(5) on or after the date of the enactment of this Act, provided a vessel, insurance or reinsurance, or any other shipping service for the transportation of goods to or from Iran, North Korea, or Syria for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be.

(b) EXCEPTIONS.—Any foreign person who—

(1) was identified in a report transmitted in accordance with subsection (a) on account of a particular transfer, or

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

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

(c) TRANSMISSION IN CLASSIFIED FORM.—If the President considers it appropriate, reports transmitted in accordance with subsection (a), or appropriate parts thereof, may be transmitted in classified form.

(d) CONTENT OF REPORTS.—Each report required under subsection (a) shall contain, with respect to each foreign person identified in each such report, a brief description of the type and quantity of the goods, services, or technology transferred by such person to Iran, North Korea, or Syria, the circumstances surrounding such transfer, the usefulness to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria of such transfer, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over such person.

(e) ADDITIONAL CONTENTS OF REPORTS.—Each report under subsection (a) shall contain a description, with respect the transfer or acquisition of the goods, services, or technology described in such subsection, of the actions taken by foreign governments to assist in interdicting such transfer or acquisition.

(f) EXPEDITING SANCTIONS FOR NUCLEAR, CHEMICAL, BIOLOGICAL AND MISSILE PROLIFERATION TRANSFERS TO IRAN.—

(1) IN GENERAL.—Notwithstanding the requirement to submit the report under subsection (a), the President shall establish a process to assess information in the possession of the President on an ongoing basis regarding possible transfers to Iran of goods, services, or technology relating to nuclear, chemical, or biological weapons or ballistic missiles in accordance with the requirements of subsection (a).

(2) APPLICATION OF SANCTIONS.—Upon a determination of the President that credible information exists that a transfer described in paragraph (1) has occurred, the President shall apply the sanctions to the foreign person that made the transfer in accordance with the requirements of section 4 of this Act.

(g) REQUIREMENT FOR PLAN TO EXPEDITE IMPLEMENTATION OF REPORTING AND SANCTIONS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan, to include any necessary legislation, to expedite the implementation of this Act with regard to the reports required under subsection (a) and the sanctions under section 4 of this Act.

SEC. 4. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

(a) APPLICATION OF MEASURES.—

(1) IN GENERAL.—Subject to section 5, the President shall apply, for a period of not less than two years, the measures specified in subsection (b) with respect to each foreign person identified in a report transmitted under section 3(a).

(2) RELATED PERSONS.—Subject to section 5, the President may apply, for a period of not less than two years, the measures specified in subsection (b) with respect to one or more of the following:

(A) Each person that is a successor, subunit, or subsidiary of a foreign person referred to in paragraph (1).

(B) Each person that owns more than 50 percent of, or controls in fact—

(i) a foreign person referred to in paragraph (1); or

(ii) a person described in subparagraph (A).

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

(1) EXECUTIVE ORDER 12938 PROHIBITIONS.—The measures specified in the first sentence of subsection (b) and subsections (c) and (d) of section 4 of Executive Order 12938 (50 U.S.C. 1701 note; relating to proliferation of weapons of mass destruction) prohibiting any department or agency of the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from any foreign person described in subsection (a) of section 4 of Executive Order 12938.

(2) ARMS EXPORT PROHIBITION.—Prohibition on United States Government sales to a person described in subsection (a) of any item on the United States Munitions List and termination of sales to such person of any defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) DUAL USE EXPORT PROHIBITION.—Denial of licenses and suspension of existing licenses for the transfer to a person described in subsection (a) of items the export of which is controlled under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.), as in effect pursuant to the International Emergency Economic Powers Act, or the Export Administration Regulations.

(4) INVESTMENT PROHIBITION.—Prohibition on any investment by a United States person in property, including entities, owned or controlled by a person described in subsection (a).

(5) FINANCING PROHIBITION.—Prohibition on any approval, financing, or guarantee by a United States person, wherever located, of a transaction by a person described in subsection (a).

(6) FINANCIAL ASSISTANCE PROHIBITION.—Denial by the United States Government of any credit, credit guarantees, grants, or other financial assistance by any agency of the United States Government to a person described in subsection (a).

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

(1) 90 days after the report identifying the foreign person is submitted, if the report is submitted on or before the date required by section 3(a);

(2) 90 days after the date required by section 3(a) for submitting the report, if the report identifying the foreign person is submitted within 60 days after that date; or

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

(d) PUBLICATION IN FEDERAL REGISTER.—

(1) IN GENERAL.—The Secretary of the Treasury shall publish in the Federal Register notice of the application against a person of measures pursuant to subsection (a).

(2) CONTENT.—Each notice published in accordance with paragraph (1) shall include the name and address (where known) of each person to which measures have been applied pursuant to subsection (a).

SEC. 5. DETERMINATION EXEMPTING A FOREIGN PERSON FROM THE APPLICATION OF CERTAIN MEASURES.

(a) IN GENERAL.—The application of any measure described in section 4(b) to a person described in section 4(a) shall cease to be effective beginning 15 days after the date on which the President determines and certifies to the appropriate congressional committees, on the basis of information provided by such person or otherwise obtained by the President, that—

(1) in the case of a transfer or acquisition of goods, services, or technology described in section 3(a)(1)—

(A) such person did not, on or after January 1, 1999, knowingly transfer to or acquire from Iran, North Korea, or Syria, as the case may be, such goods, services, or technology the apparent transfer of which caused such person to be identified in a report submitted pursuant to section 3(a);

(B) the goods, services, or technology the transfer of which caused such person to be identified in a report submitted pursuant to section 3(a) did not contribute to the efforts of Iran, North Korea, or Syria, as the case may be, to develop—

(i) nuclear, biological, or chemical weapons, or ballistic or cruise missile systems, or weapons listed on the Wassenaar Arrangement Munitions List of July 12, 1996, or any subsequent revision of such List; or

(ii) destabilizing types or amounts of conventional weapons or acquire technical assistance;

(C) such person is subject to the primary jurisdiction of a government that is an adherent to one or more relevant nonproliferation regimes, such person was identified in a report submitted pursuant to section 3(a) with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A), and such transfer was made in accordance with the guidelines and parameters of all such relevant regimes of which such government is an adherent; or

(D) the government with primary jurisdiction over such person has imposed meaningful penalties on such person on account of

the transfer of such goods, services, or technology that caused such person to be identified in a report submitted pursuant to section 3(a);

(2) in the case of an acquisition of materials mined or otherwise extracted within the territory of Iran, North Korea, or Syria, as the case may be, described in section 3(a)(2) for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be, such person did not acquire such materials; or

(3) in the case of the provision of a vessel, insurance or reinsurance, or another shipping service for the transportation of goods to or from Iran, North Korea, or Syria, as the case may be, described in section 3(a)(3) for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be, such person did not provide such a vessel or service.

(b) OPPORTUNITY TO PROVIDE INFORMATION.—Congress urges the President—

(1) in every appropriate case, to contact in a timely fashion each person described in section 3(a), or the government with primary jurisdiction over such person, in order to afford such person, or such government, the opportunity to provide explanatory, exculpatory, or other additional information with respect to the transfer that caused such person to be identified in a report submitted pursuant to section 3(a); and

(2) to exercise the authority described in subsection (a) in all cases in which information obtained from each person described in section 3(a), or from the government with primary jurisdiction over such person, establishes that the exercise of such authority is warranted.

(c) FORM OF TRANSMISSION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the determination and report of the President under subsection (a) shall be transmitted in unclassified form.

(2) EXCEPTION.—The determination and report of the President under subsection (a) may be transmitted in classified form if the President certifies to the appropriate congressional committees that it is vital to the national security interests of the United States to do so.

SEC. 6. RESTRICTIONS ON NUCLEAR COOPERATION WITH COUNTRIES AIDING PROLIFERATION BY IRAN, NORTH KOREA, OR SYRIA.

(a) IN GENERAL.—

(1) RESTRICTIONS.—Notwithstanding any other provision of law, on or after the date of the enactment of this Act—

(A) no agreement for cooperation between the United States and the government of any country that is assisting the nuclear program of Iran, North Korea, or Syria, or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria may be submitted to the President or to Congress pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153),

(B) no such agreement may enter into force with respect to such country,

(C) no license may be issued for export directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and

(D) no approval may be given for the transfer or retransfer directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement,

until the President makes the determination and report under paragraph (2).

(2) DETERMINATION AND REPORT.—The determination and report referred to in paragraph (1) are a determination and report by the President, submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(A) Iran, North Korea, or Syria, as the case may, has ceased its efforts to design, develop, or acquire a nuclear explosive device or related materials or technology; or

(B) the government of the country that is assisting the nuclear programs of Iran, North Korea, or Syria, as the case may be, or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria, as the case may be—

(i) has suspended all nuclear assistance to Iran, North Korea, or Syria, as the case may be, and all transfers of advanced conventional weapons and missiles to Iran, North Korea, or Syria, as the case may be; and

(ii) is committed to maintaining that suspension until Iran, North Korea, or Syria, as the case may be, has implemented measures that would permit the President to make the determination described in subparagraph (A).

(b) RULES OF CONSTRUCTION.—The restrictions described in subsection (a)(1)—

(1) shall apply in addition to all other applicable procedures, requirements, and restrictions described in the Atomic Energy Act of 1954 and other applicable Acts;

(2) shall not be construed as affecting the validity of an agreement for cooperation between the United States and the government of a country that is in effect on the date of the enactment of this Act; and

(3) shall not be construed as applying to assistance for the Bushehr nuclear reactor, unless such assistance is determined by the President to be contributing to the efforts of Iran to develop nuclear weapons.

(c) DEFINITIONS.—In this section:

(1) AGREEMENT FOR COOPERATION.—The term ''agreement for cooperation'' has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.).

(2) ASSISTING THE NUCLEAR PROGRAM OF IRAN, NORTH KOREA, OR SYRIA.—The term ''assisting the nuclear program of Iran, North Korea, or Syria'' means the intentional transfer to Iran, North Korea, or Syria by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions), or the Nuclear Suppliers Group Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIR/254/Rev. 3/Part 2, and subsequent revisions).

(3) COUNTRY THAT IS ASSISTING THE NUCLEAR PROGRAMS OF IRAN, NORTH KOREA, OR SYRIA OR TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR SYRIA.—The term ''country that is assisting the nuclear program of Iran, North Korea, or Syria or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria'' means any country determined by the President to be assisting the nuclear program of Iran, North Korea, or Syria or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria.

(4) TRANSFER.—The term ''transfer'' means the conveyance of technological or intellectual property, or the conversion of intellectual or technological advances into marketable goods, services, or articles of value, developed and generated in one place, to another through illegal or illicit means to a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), and section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), is a government that has repeatedly provided support for acts of international terrorism.

(5) TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR SYRIA.—The term ''transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria'' means the intentional transfer to Iran, North Korea, or Syria by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on—

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

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

SEC. 7. IDENTIFICATION OF COUNTRIES THAT ENABLE PROLIFERATION TO OR FROM IRAN, NORTH KOREA, OR SYRIA.

(a) ANNUAL REPORT.—The President shall transmit to the appropriate congressional committees and make available to the public on an annual basis a report that identifies each foreign country that allows one or more foreign persons under the jurisdiction of such country to engage in activities described in section 3 that are sanctionable under section 4 despite requests by the United States Government to the government of such country to prevent such activities.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

SEC. 8. PROHIBITION ON UNITED STATES ASSISTANCE TO COUNTRIES ASSISTING PROLIFERATION ACTIVITIES BY IRAN, NORTH KOREA, OR SYRIA.

(a) IN GENERAL.—The President shall prohibit assistance (other than humanitarian assistance) under the Foreign Assistance Act of 1961 and shall not issue export licenses for defense articles or defense services under the Arms Export Control Act to a foreign country the government of which the President has received credible information is assisting Iran, North Korea, or Syria in the acquisition, development, or proliferation of weapons of mass destruction or ballistic missiles.

(b) RESUMPTION OF ASSISTANCE.—The President is authorized to provide assistance described in subsection (a) to a foreign country subject to the prohibition in subsection (a) if the President determines and notifies the appropriate congressional committees that there is credible information that the government of the country is no longer assisting Iran, North Korea, or Syria in the acquisition, development, or proliferation of weapons of mass destruction or ballistic missiles.

(c) DEFINITION.—In this section, the term ''assisting'' means providing material or financial support of any kind, including purchasing of material, technology or equipment from Iran, North Korea, or Syria.

SEC. 9. RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.

(a) RESTRICTION.—

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

(2) WAIVER.—If the President is unable to make the determination described in subsection (b) with respect to a fiscal year in which extraordinary payments in connection with the International Space Station are to be made, the President is authorized to waive the application of paragraph (1) on a case-by-case basis with respect to the fiscal year if not less than 15 days prior to the date on which the waiver is to take effect the President submits to the appropriate congressional committees a report that contains—

(A) the reasons why the determination described in subsection (b) cannot be made;

(B) the amount of the extraordinary payment to be made under the waiver;

(C) the steps being undertaken by the United States to ensure compliance by the Russian Federation with the conditions described in subsection (b); and

(D) a determination of the President that the waiver is vital to the national interests of the United States.

(b) DETERMINATION REGARDING RUSSIAN COOPERATION IN PREVENTING PROLIFERATION RELATING TO IRAN, NORTH KOREA, AND SYRIA.—The determination referred to in subsection (a) is a determination by the President that—

(1) it is the policy of the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such Government) to oppose the proliferation to or from Iran, North Korea, and Syria of weapons of mass destruction and missile systems capable of delivering such weapons;

(2) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such Government) has demonstrated and continues to demonstrate a sustained commitment to seek out and prevent the transfer to or from Iran, North Korea, and Syria of goods, services, and technology that could make a material contribution to the nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems development programs of Iran; and

(3) neither the Russian Aviation and Space Agency, nor any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, has, during the one-year period ending on the date of the determination under this subsection made transfers to or from Iran, North Korea, or Syria reportable under section 3(a) (other than transfers with respect to which a determination pursuant to section 5 has been or will be made).

(c) PRIOR NOTIFICATION.—Not less than five days before making a determination under this section, the President shall notify the Committee on Foreign Affairs and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate of the President's intention to make such a determination.

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

(e) TRANSMISSION IN CLASSIFIED FORM.—If the President considers it appropriate, a determination of the President under this section, a prior notification under subsection (c), and a written justification under subsection (d), or appropriate parts thereof, may be transmitted in classified form.

(f) EXCEPTION FOR CREW SAFETY.—

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

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

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

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

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

(ii) it is no longer necessary to make extraordinary payments in order to prevent imminent loss of life of or grievous injury to individuals aboard the International Space Station.

(g) SERVICE MODULE EXCEPTION.—

(1) IN GENERAL.—The National Aeronautics and Space Administration may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any subcontractor thereof, that would otherwise be prohibited under this section for the construction, testing, preparation, delivery, launch, or maintenance of the Service Module, and for the purchase (at a total cost not to exceed $14,000,000) of the pressure dome for the Interim Control Module and the Androgynous Peripheral Docking Adapter and related hardware for the United States propulsion module, if—

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

(B) no report has been made under section 3(a) with respect to an activity of the entity to receive such payment, and the President has no credible information of any activity that would require such a report; and

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

(2) DEFINITION.—For purposes of this subsection, the term ''maintenance'' means activities that 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) TERMINATION.—This subsection shall cease to be effective on the date that is 60 days after the date on which a United States propulsion module is in place at the International Space Station.

(h) EXCEPTION.—No agency of the United States Government may make extraordinary payments in connection with the International Space Station, or any other payments in connection with the International Space Station, to any foreign person subject to measures applied pursuant to section 4 of Executive Order 12938 (November 14, 1994), as amended by Executive Order 13094 (July 28, 1998).

(i) REPORT ON CERTAIN PAYMENTS RELATED TO INTERNATIONAL SPACE STATION.—

(1) IN GENERAL.—The President shall, together with each report submitted under section 3(a), transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that identifies each Russian entity or person to whom the United States Government has, since November 22, 2005, made a payment in cash or in kind for work to be performed or services to be rendered under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

(2) CONTENT.—Each report transmitted under paragraph (1) shall include—

(A) the specific purpose of each payment made to each entity or person identified in such report; and

(B) with respect to each such payment, the assessment of the President that the payment was not prejudicial to the achievement of the objectives of the United States Government to prevent the proliferation of ballistic or cruise missile systems in Iran and other countries that have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

SEC. 10. EXCLUSION FROM THE UNITED STATES OF SENIOR OFFICIALS OF FOREIGN PERSONS WHO HAVE AIDED PROLIFERATION RELATING TO IRAN.

Except as provided in subsection (b), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien whom the Secretary of State determines is an alien who, on or after the date of the enactment of this Act, is a—

(1) corporate officer, principal, or shareholder with a controlling interest of a foreign person identified in a report submitted pursuant to section 3(a);

(2) corporate officer, principal, or shareholder with a controlling interest of a successor entity to, or a parent or subsidiary of, a foreign person identified in such a report;

(3) corporate officer, principal, or shareholder with a controlling interest of an affiliate of a foreign person identified in such a report, if such affiliate engaged in the activities referred to in such report, and if such affiliate is controlled in fact by the foreign person identified in such report; or

(4) spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

SEC. 11. PROHIBITION ON CERTAIN VESSELS LANDING IN THE UNITED STATES; ENHANCED INSPECTIONS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

"SEC. 16. PROHIBITION ON CERTAIN VESSELS LANDING IN THE UNITED STATES; ENHANCED INSPECTIONS.

''(a) CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—Beginning on the date of enactment of the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011, before a vessel arrives at a port in the United States, the owner, charterer, operator, or master of the vessel shall certify that the vessel did not enter a port in Iran, North Korea, or Syria during the 180-day period ending on the date of arrival of the vessel at the port in the United States.

''(2) FALSE CERTIFICATIONS.—The Secretary shall prohibit from landing at a port in the United States for a period of at least 2 years—

''(A) any vessel for which a false certification was made under section (a); and

''(B) any other vessel owned or operated by a parent corporation, partnership, association, or individual proprietorship of the vessel for which the false certification was made.

''(b) ENHANCED INSPECTIONS.—The Secretary shall—

''(1) identify foreign ports at which vessels have landed during the preceding 12-month period that have also landed at ports in Iran, North Korea, or Syria during that period; and

''(2) inspect vessels arriving in the United States from foreign ports identified under paragraph (1) to establish whether the vessel was involved, during the 12-month period ending on the date of arrival of the vessel at the port in the United States, in any activity that would be subject to sanctions under the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.''.

SEC. 12. SANCTIONS WITH RESPECT TO CRITICAL DEFENSE RESOURCES PROVIDED TO OR ACQUIRED FROM IRAN, NORTH KOREA, OR SYRIA.

(a) IN GENERAL.—The President shall apply the sanctions described in subsection (b) to any person the President determines is, on or after the date of the enactment of this Act, providing to, or acquiring from, Iran, North Korea, or Syria any good or technology that the President determines is used, or is likely to be used, for military applications.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are, with respect to a person described in subsection (a), the following:

(1) FOREIGN EXCHANGE.—Prohibiting any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which that person has any interest.

(2) BANKING TRANSACTIONS.—Prohibiting any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of that person.

(3) PROPERTY TRANSACTIONS.—Prohibiting any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the person described in subsection (a) has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(4) LOAN GUARANTEES.—Prohibiting the head of any Federal agency from providing a loan guarantee to that person.

(5) ADDITIONAL SANCTIONS.—Additional sanctions, as appropriate, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(c) RESTRICTIONS ON EXPORT LICENSES FOR NUCLEAR COOPERATION AND CERTAIN LOAN GUARANTEES.—Before issuing a license for the exportation of any article pursuant to an agreement for cooperation under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or approving a loan guarantee or any other assistance provided by the United States Government with respect to a nuclear energy project, the Secretary of Energy, the Secretary of Commerce, and the Nuclear Regulatory Commission shall certify to Congress that issuing the license or approving the loan guarantee or other assistance (as the case may be) will not permit the transfer of any good or technology described in subsection (a) to Iran, North Korea, or Syria.

(d) EXCEPTION.—The sanctions described in subsection (b) shall not apply to the repayment or other satisfaction of a loan or other obligation incurred under a program of the Export-Import Bank of the United States, as in effect as of the date of the enactment of this Act.

SEC. 13. DEFINITIONS.

In this Act:

(1) ADHERENT TO RELEVANT NONPROLIFERATION REGIME.—A government is an ''adherent'' to a ''relevant nonproliferation regime'' if such government—

(A) is a member of the Nuclear Suppliers Group with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(i);

(B) is a member of the Missile Technology Control Regime with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(ii), or is a party to a binding international agreement with the United States that was in effect on January 1, 1999, to control the transfer of such goods, services, or technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime;

(C) is a member of the Australia Group with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(iii);

(D) is a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(iv); or

(E) is a member of the Wassenaar Arrangement with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(v).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

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

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

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

except that such term does not mean payments in cash or in kind made or to be made by the United States Government before December 31, 2020, for work to be performed or services to be rendered before such date necessary to meet United States obligations under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

(4) FOREIGN PERSON.—The term ''foreign person'' means—

(A) a natural person who is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, successor, subunit, or subsidiary organized under the laws of a foreign country or that has its principal place of business in a foreign country; and

(C)(i) any foreign government; or

(ii) any foreign government agency or entity.

(5) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result of such conduct, circumstance, or result.

(6) ORGANIZATION OR ENTITY UNDER THE JURISDICTION OR CONTROL OF THE RUSSIAN AVIATION AND SPACE AGENCY.—

(A) DEFINITION.—The term ''organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency'' means an organization or entity that—

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

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

(iii) was or is transferred to the Russian Aviation and Space Agency or Russian Space Agency by decree of the Government of the Russian Federation at any other time before, on, or after March 14, 2000; or

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

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

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

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

(7) SUBSIDIARY.—The term ''subsidiary'' means an entity (including a partnership, association, trust, joint venture, corporation, or other organization) of a parent company that controls, directly or indirectly, the other entity.

(8) TRANSFER OR TRANSFERRED.—The term ''transfer'' or ''transferred'', with respect to a good, service, or technology, includes—

(A) the conveyance of technological or intellectual property; and

(B) the conversion of technological or intellectual advances into marketable goods,

services, or technology of value that is developed and generated in one location and transferred to another location through illegal or illicit means.

(9) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen or resident of the United States; or

(B) an entity that is organized under the laws of the United States or any State or territory thereof.

(10) VESSEL.—The term ''vessel'' has the meaning given such term in section 1081 of title 18, United States Code. Such term also includes aircraft, regardless of whether or not the type of aircraft at issue is described in such section.

(11) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means providing of advice, assistance, and training pertaining to the installation, operation, and maintenance of equipment for destabilizing types and forms of conventional weapons.

SEC. 14. REPEAL OF IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION ACT.

(a) REPEAL.—The Iran, North Korea, and Syria Nonproliferation Act (50 U.S.C. 1701 note) is repealed.

(b) REFERENCES.—Any reference in a law, regulation, document, or other record of the United States to the Iran, North Korea, and Syria Nonproliferation Act shall be deemed to be a reference to this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

Mr. KUCINICH. Mr. Speaker, I rise to claim time in opposition.

The SPEAKER pro tempore. Does the gentleman from California favor the motion?

Mr. BERMAN. I do support the motion, Mr. Speaker.

The SPEAKER pro tempore. On that basis the gentleman from Ohio will control the 20 minutes in opposition.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. BERMAN) be allowed to control one-half of the time in the affirmative.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Florida will control 10 minutes; the gentleman from California will control 10 minutes; and the gentleman from Ohio will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act which I introduced, together with the ranking member of the Foreign Affairs Committee's Subcommittee on Terrorism, Nonproliferation, and Trade, my good friend from California (Mr. SHERMAN). I would also like to thank the ranking member of the full committee, the gentleman from California, for his significant contributions to this legislation.

Mr. Speaker, Iran, North Korea, and Syria are key elements in an expanding global proliferation network. North Korea has long been a willing merchant of death for anyone with cash and has played a crucial role in the development of Iran's nuclear and ballistic missile program. But Iran is only one of many customers. In 2010, the U.N. Security Council released a report saying that North Korea continues to market and export its nuclear and ballistic technology. The most prominent example of North Korea's proliferation activities is its construction of the clandestine Syrian nuclear reactor that, thankfully, was destroyed by an Israeli air strike in the year 2007. Reports indicate that the reactor was based on a North Korean model capable of producing plutonium for nuclear weapons and that the project was financed by Iran.

But Syria's nuclear ambitions are apparently even greater than suspected. Just last month, the International Atomic Energy Agency reportedly identified a previously unknown nuclear facility in northeastern Syria, indicating that the regime in Damascus may have been pursuing two separate paths to a nuclear weapon, one based on uranium enrichment and the other on reprocessing plutonium. One thing is clear, as with the first nuclear facility, this second one could only have been built with outside help. So it is obvious that once one of these regimes gets its hands on weapons of mass destruction, they will all have access; and then this deadly capacity is certain to spread even further.

But the proliferation efforts of North Korea, Iran, and Syria are by no means limited to nuclear weapons. Theirs is an active trade between these countries and advanced conventional weapons as well, including ballistic missiles. In the year 2010, an aircraft loaded with North Korean conventional weapons was intercepted in Thailand, reportedly on its way to Iran in violation of multiple Security Council resolutions of the U.N. And there have been several interdictions of Iranian weapons reportedly destined for Syria. Clearly these represent just the tip of the iceberg.

These weapons are not intended to be placed in storage. They will be used against us and against our allies. North Korea has continued to violently assault our ally South Korea, repeatedly attacking its military forces out of the blue and murdering civilians almost at will. And it is throwing vast resources into developing weapons capable of striking U.S. targets, the latest being a mobile intercontinental ballistic missile which could eventually be added to its list of items for sale.

We are witnessing the Syrian regime shooting down its own people in the streets. Allowing President Assad and his thugs access to nuclear technology could exponentially multiply his regime's ability to spread destruction far beyond its borders.

We know that Iran has no problem striking down innocent people in that country who dare to stand up to the regime. And Tehran continues to be a leading state sponsor of terrorism, providing weapons, money, and support to terrorist groups like Hamas, Hezbollah, and even al Qaeda. This means that preventing any and every part of this proliferation network from gaining access to the weapons they need to threaten anyone is of utmost importance.

Iran, North Korea, and Syria are not just helping each other. Much of the progress they have achieved on the array of weapons programs is thanks to the assistance from other foreign sources. The most recent report of the IAEA on Iran revealed that Iran has been engaged in extensive efforts to develop nuclear weapons and that these efforts include acquiring equipment, materials, and information related to nuclear weapons development. It has stated that Iran has also actively been working on a design for a nuclear weapon, including testing components.

Finally, the IAEA report revealed that Iran has received crucial help on its nuclear weapons design from foreign experts. Just 2 weeks ago, on December 2, Russian officials were quoted in news reports admitting that Russia had supplied Syria's Assad with cruise missiles. According to the news reports: ''Israel fears the cruise missiles could fall into the hands of Hezbollah militants in neighboring Lebanon.'' Just think of all of the countries that have been named in these short remarks.

China is not far behind, as a recent report of the U.S.-China Economic and Security Review Commission indicates. The China Commission report emphasizes the enormous damage to U.S. interests being done by China's massive sale of weapons to Iran, including short-range cruise missiles.

H.R. 2105 seeks to cut off the supply networks to Iran, to Syria, and to North Korea. It updates and strengthens measures to prevent the proliferation of goods, services, or technology relating to nuclear, biological, chemical, and other advanced weapons, such as ballistic missiles. It expands sanctions on individuals, on businesses, on countries engaged in assisting proliferation, embracing financial transactions, properties, and visas, among many other penalties.

It also imposes restrictions on nuclear cooperation with countries that are assisting the nuclear programs of Iran, North Korea, or Syria because no country that is helping an enemy of

the United States should receive any help from us.

But it is not enough to put these laws on the books. They must be fully implemented and consistently enforced if they are to have the intended effect. I call upon the President to use the tools that Congress is giving to him to stop these countries from spreading their instruments of destruction even further. North Korea has already detonated two nuclear devices. Iran is getting closer to a nuclear weapon every day. Syria is following in its footsteps. Their stockpiles of weapons of mass destruction are growing, as their ballistic missile capabilities are growing. And their arsenals of other advanced weapons are being made available to enemies of the U.S. and its allies. We must act decisively to end this threat before it spreads even further.

Mr. Speaker, I would like to place in the RECORD my correspondence and joint statements with the chairmen of other committees of referral on this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 4, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, House Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing concerning H.R. 2105, the ''Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011,'' which the Committee on Foreign Affairs reported favorably. As a result of your having consulted with us on provisions in H.R. 2105 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our Committee from further consideration of this bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2105 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2105, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 4, 2011.

Hon. LAMAR SMITH,
Chairman, House Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter concerning H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011, and for your agreement to discharge the Committee on the Judiciary from further consideration of this bill so that it may proceed expeditiously to the House floor.

I am writing to confirm our mutual understanding that, by forgoing consideration of H.R. 2105 at this time, you are not waiving any jurisdiction over the subject matter in that bill or similar legislation. I look forward to continuing to consult with your Committee as such legislation moves ahead, and would be glad to support a request by your Committee for conferees to a House-Senate conference on this, or any similar, legislation.

I will seek to place a copy of our exchange of letters on this matter into the Congressional Record during floor consideration of H.R. 2105

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 9, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I write concerning H.R. 2105, the ''Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.'' As you know, the Committee on Transportation and Infrastructure also received a referral on H.R. 2105 when the bill was introduced on June 3, 2011. As a result of your consultation with me on provisions in H.R. 2105 that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure, we will forgo Committee action on the bill.

The Committee on Transportation and Infrastructure takes this action with our mutual understanding that by for going consideration of H.R. 2105 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. The Committee on Transportation and Infrastructure also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2105, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

JOHN L. MICA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 9, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Transportation and Infrastructure Committee regarding the final text of those sections of H.R. 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Transportation and Infrastructure Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, November 10, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing to you regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011. This legislation was initially referred to the Committee on Foreign Affairs, and in addition to the Committee on Science, Space, and Technology (among others). The bill contains provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology.

H.R. 2105 has been marked up by the Committee on Foreign Affairs. Based on discussions that the staff of our two committees have had regarding this legislation and in the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation, I am willing to waive further consideration of this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Science, Space, and Technology does not waive any future jurisdictional claim of the subject matters contained in the bill which fall within its Rule X jurisdiction.

Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 2105, as well as any similar or related legislation.

Further, I ask that a copy of this letter and your response be included in the report on H.R. 2105 and in the Congressional Record during consideration of this bill.

I would also like to take this opportunity to thank you for the positive negotiations between our Committees, the result is an improved bill. I look forward to working with you as this important measure moves through the legislative process.

Sincerely,

RALPH M. HALL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 9, 2011.

Hon. RALPH M. HALL,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN HALL: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Science, Space, and Technology Committee regarding the final text of those sections of H.R. 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Science, Space, and Technology Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

JOINT STATEMENT OF CHAIRMAN ROS-LEHTINEN OF THE COMMITTEE ON FOREIGN AFFAIRS AND CHAIRMAN HALL OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY ON H.R. 2105, THE ''IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION REFORM AND MODERNIZATION ACT OF 2011''

The Committee on Foreign Affairs and the Committee on Science, Space, and Technology affirm the national policy of fully utilizing the International Space Station and recognize the role of international partners in sustaining that enterprise. Consistent with Public Law 111–267, the ''National Aeronautics and Space Administration Authorization Act of 2010'', the Committees support the national policy of relying on, and fostering development of, United States' owned and operated cargo and crew services to the International Space Station, including those provided by commercial carriers, where such services exist and are certified for flight by the appropriate agencies.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 16, 2011.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN ISSA: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Oversight and Government Reform Committee regarding the final text of those sections of H.R. 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Oversight and Government Reform Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, November 18, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairwoman, Committee on Foreign Affairs, Washington, DC.

DEAR MADAM CHAIRWOMAN: Thank you for your letter concerning H.R. 2105, the Iran, North Korea and Syria Non-proliferation Reform and Modernization Act of 2011. I concur in your judgment that provisions of the bill are within the jurisdiction of the Oversight and Government Reform Committee.

I am willing to waive this committee's right to consider the bill. In so doing, I do not waive its jurisdiction over the subject matter of the bill. I appreciate your commitment to insert this exchange of letters into the committee report and the Congressional Record, and your support for outside conferees from the Committee should a conference be convened.

Sincerely,

DARRELL ISSA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 23, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing concerning H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011. Based on the agreement made by the staff of our two committees regarding H.R. 2105 and in the interest of permitting your Committee to proceed expeditiously with the bill, I am willing to forego at this time the consideration of provisions in this bill that fall under the jurisdiction of the Committee on Financial Services under Rule X of the Rules of the House of Representatives.

The Committee on Financial Services takes this action with our mutual understanding that by foregoing consideration of H.R. 2105 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward. Our Committee reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such requests.

Further, I ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of this bill. I look forward to working with you as this important measure moves through the legislative process.

Sincerely,

SPENCER BACHUS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 23, 2011.

Hon. SPENCER BACHUS,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN BACHUS: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and your Committee regarding the final text of those sections of H.R. 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that your Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance on this matter.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, December 5, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing regarding H.R. 2105, the ''Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011,'' which was favorably reported out of your Committee on November 2, 2011. I commend you on your efforts to make sure that the United States is better able to address the critical threats that Iran, North Korea, and Syria pose.

There have been productive conversations between the staffs of our Committees, during which we have proposed changes to provisions within the jurisdiction of the Committee on Ways and Means in the bill to clarify the intent and scope of the bill with respect to compliance with U.S. international trade obligations, thereby reducing our exposure to trade sanctions and retaliation against our exporters. I believe that compliance with our trade obligations makes for a more credible U.S. response to Iran's behavior and helps us develop a stronger multilateral response to Iran. Accordingly, I appreciate your commitment to address the concerns raised by the Committee on Ways and Means in sections 4 and 10 in H.R. 2105.

Assuming these issues are resolved satisfactorily, in order to expedite floor consideration of the bill, the Committee on Ways and Means will forgo action on H.R. 2105. Further, the Committee will not oppose the bill's consideration on the suspension calendar, based on our understanding that you will work with the Committee as the legislative process moves forward in the House of Representatives and in the Senate, to ensure that the Committee's concerns continue to be addressed. This is also being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2105, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 5, 2011.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Committee on Ways and Means regarding the final text of those sections of 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Committee on Ways and Means is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILENA ROS-LEHTINEN,
Chairman.

I strongly urge my colleagues to support this bill, and I reserve the balance of my time.

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

We're rapidly moving from Iran sanctions to sanctioning the world here.

I stand in support of nonproliferation. I think that this country should be leading the world towards nuclear abolition. Let us not forget that when the Soviet Union fell, there was one country that got rid of its nuclear weapons, Ukraine.

□ 2110

And Ukraine today, while there are political problems there, they still stand strong as a nation among nations for having taken that direction.

We need to be encouraging all of the nations of the world to get rid of their nuclear weapons. But if we don't do that and we instead say: We will keep our nuclear weapons, and half a dozen other nations and more can keep their nuclear weapons, but you, you, you and you, you cannot have nuclear weapons, actually what we're doing is we're setting the stage for more proliferation. It is the inconsistent U.S. policy on nuclear proliferation that has actually brought us to this moment.

So I have a great deal of sympathy for my colleagues who don't want to see more nuclear proliferation among certain nations, but I would ask them to join me in taking a stand for nuclear abolition among all nations.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself 2 minutes.

INKSNA, enacted in the year 2000, has forced the United States Government to review all intelligence for credible evidence regarding sensitive transfers of goods and services related to WMD, missiles, or conventional weapons, and made such transfers sanctionable acts.

While the reports required by INKSNA are 2 years behind schedule—an ongoing problem that has plagued successive administrations—we have frequently seen new rounds of sanctions against companies and individuals who are more interested in making a buck than in protecting global security interests.

The specific details of sanctioned transfers are classified. Press reports, however, indicate that INKSNA sanctions have been imposed, for example, on Chinese entities for selling carbon fiber and pressure transducers which could assist Iran in building more advanced gas centrifuges. Multiple Russian, Chinese, and even European weapons exporters have been sanctioned, presumably for the transfer of arms to Iran and Syria, and Chinese chemical supply companies have been repeatedly sanctioned.

I'd like to thank the chairman for agreeing to include my amendment to further strengthen INKSNA. This amendment requires the administration to develop a special mechanism to speed up the process of imposing sanctions regarding transfers of sensitive technology related to weapons of mass destruction or ballistic missiles to Iran.

In addition, the amendment requires the President to publicly identify those countries that are allowing such transfers of sensitive technology to occur, despite repeated requests by the U.S. Government to prevent such activities. I would expect China would be listed on the first report as a government that directly, indirectly, or through inaction, enables its firms to engage in sensitive transfers to Iran, Syria, or North Korea.

Mr. Speaker, I support this bill and urge my colleagues to do the same, and I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I will once again yield time to a colleague who I may disagree with, but he is entitled to 3 minutes, and I will yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman from Ohio for his generosity, especially because he will probably disagree with most of what I have to say.

As to the consistency of America's nonproliferation policy, I believe we are consistent. We are consistent with the nonproliferation treaty, which I believe is the most important peace treaty of our lifetime. It identifies five states as nuclear states. Three major nations in this world did not sign and do not benefit from the treaty. But Iran, North Korea, and Syria all agreed, as non-nuclear states, agreed not to develop nuclear weapons, and all of them have violated that agreement.

I want to commend Chairman ROS-LEHTINEN for putting forward this outstanding bill, one of the toughest nonproliferation bills ever to come before Congress. I am the lead Democratic cosponsor of this bill, and I want to thank her for the opportunity to work with her on this important legislation.

Iran, Syria, and North Korea are proliferators of nuclear weapons technology, and work together to threaten U.S. interests and allies around the globe.

This bill includes an important provision that I put forward in a bill that I introduced in May of 2009. That is, it poses sanctions against those firms that provide North Korea, Iran, or Syria with equipment or technology relevant to mining or milling uranium. Iran in particular is facing a uranium shortage, and has been searching for foreign sources of uranium as well as trying to improve its own domestic capacity to mine uranium. Under this bill, anyone who assists that effort would be subject to penalties.

This bill includes other very important provisions. The U.S.-China Economic Security Review Commission identified a loophole in current law that arguably exempts from sanctions Chinese companies that are providing short-range, anti-naval cruise missiles to Iran. I think it is critically important that we protect our naval crews, especially when Iran has recently conducted exercises to game the possibility of shutting the Strait of Hormuz, which is so critical to world oil supplies. We need to do everything we can in this Congress to protect our naval crews from Iranian weapons acquired from China.

Also, following on the shipping sanctions that have been put into place against Iranian shipping firms, this bill would go further. It effectively bars from any U.S. port any ship that has visited North Korea, Iran, or Syria in the last 2 years.

The bill would also close a loophole in existing sanctions. It would require that sanctions be imposed on the parent entity when one of its subsidiaries engages in sanctionable activity.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KUCINICH. I yield the gentleman an additional minute.

Mr. SHERMAN. I thank the gentleman.

Again, this is one of the strongest, perhaps the strongest nonproliferation bill to come before Congress, and I urge its adoption.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time to close.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to my friend from New York, the ranking member of the Western Hemisphere Subcommittee of the Foreign Affairs Committee, Mr. ENGEL.

Mr. ENGEL. I thank my friend for yielding time to me.

I rise in strong support of H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

Madam Chair, many years ago we sponsored legislation to slap sanctions on Syria. I'm sorry to say we were clairvoyant, but here it is nearly 10 years later, and some things never change. So here we are back again when Syria is murdering its own people, saying that we were right back in 2003 and 2004, and sanctions are what is necessary in order to prevent this regime from murdering its own people and threatening others with destruction. And so I'm happy to join with you and Mr. BERMAN in doing this.

When nuclear, chemical, or biological weapons get in the hand of regimes which lead these rogue states, it's not only a danger to the U.S., it is a danger to all our allies in the Middle East, Asia, and around the world.

What this important bill does is it strengthens existing U.S. sanctions against foreign entities that provide nuclear, chemical, or biological weapons components to Iran, North Korea, and Syria. When Israel destroyed a

Syrian facility, we found that that facility was planned and arranged and done by North Korea. So there is this collusion of these rogue regimes all throughout the world.

Importantly, for the first time, this bill imposes sanctions on foreign entities that provide to or acquire from these countries any goods or technology that could be used for military applications. So I, therefore, strongly support this bill in the hope that we can prevent Iran, Syria, and North Korea from getting their hands on more unconventional weapons.

And I say again, people say Republicans and Democrats can't agree on anything. This is something that we agree on because we understand that it is not only a threat to the United States, but it's a threat to the entire world when these rogue regimes have these kinds of weapons of mass destruction.

□ 2120

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

The Congressional Quarterly House Action Report on this legislation states the following: that the measure, however, exempts such restrictions for assistance for the Bashir nuclear reactor in Iran which is being developed with the aid of Russian entities unless the President determines such assistance is contributing to Iran's development of nuclear weapons.

Now, that is very interesting because what that means is that it is not axiomatic that the mere presence of nuclear power capability necessarily means that Iran is developing nuclear weapons. As a matter of fact, you wouldn't have that provision unless the President had the authority to be able to make a finding with respect to the development of nuclear weapons by Iran.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to a former member of the House Foreign Affairs Committee and member of the Appropriations Committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I want to thank the chair and ranking member for all the leadership on this issue.

I rise in support of both the Iran Threat Reduction Act as well as the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act. Both of these bills have at their heart and core the same purpose, and that is to prevent some of the most dangerous, terrorism-sponsoring and proliferating nations—nations like Iran, North Korea, and Syria—from obtaining a nuclear weapons capability or proliferating that capability.

Now, why is that so important? Well, in the case of Iran, Iran's acquisition of the bomb would empower that dictatorial regime to carry out what it has threatened to do, that is, to potentially wipe Israel off the face of the map. It would also, I think, very likely result in a nuclear arms race in the Middle East.

And I believe that we will be judged as a country and as a Congress on whether we take every possible step, every diplomatic step, every step through sanctions to prevent Iran from acquiring the bomb and all the potentially disastrous consequences that could have. And this legislation, by particularly going after Iran's Central Bank, will be the most devastating of all economic sanctions on Iran.

We saw the concern manifest in Iran when Britain passed similar sanctions. Plainly, they are terrified of the impact this would have. This is the strongest leverage we could bring against Iran's nuclear program, and I strongly urge its passage.

We also have a deep national security interest in going after any potential proliferation of nuclear materials and technology. We have already seen in Syria a dictator's willingness to murder thousands of his own people. We have also seen a regime in Damascus willing to engage in a surreptitious nuclear program in violation of international law and agreement.

I urge passage of both bills.

Mr. KUCINICH. Could I ask how much time remains?

The SPEAKER pro tempore. The gentleman from Ohio has 14¼ minutes; the gentleman from California has 4 minutes remaining; and the gentlewoman from Florida has 2½ minutes remaining.

Mr. KUCINICH. I yield myself such time as I may consume.

Dr. Robert Pape from Harvard's Journal of International Security has been quoted as saying the following: Sanctions have failed to achieve their objectives in 95.7 percent of cases since World War I, and sanctions are more than three times more likely to end in military conflict than success.

So what we have here is that sanctions inevitably equal a failure of diplomacy, and war becomes a failure of sanctions. So we must ask ourselves, while we stand here for nonproliferation, something that I agree with, how do we stop the nonproliferation of war? Particularly, how do we forestall any possibility of a nuclear war?

Now, Lawrence Korb was the Assistant Secretary of Defense in the Reagan administration, and he serves now as a senior fellow at the Center for American Progress. Last month, he submitted an article to the Plain Dealer in Cleveland, and I want to quote from it because it's relevant not only to this debate, but it is relevant to the economic stress this country is feeling right now.

He says that since the second term of the Reagan administration, nuclear weapons have been of declining strategic relevance, but our budget barely reflects that. Our country is slated to spend $700 billion over the next 10 years on nuclear weapons programs. This is unsustainable, a directionless budget driven in large part by inertia and the pressure from Members of Congress to preserve programs in their own States at the expense of the country as a whole. Military leaders agree that spending on these programs is disconnected from a strategic vision and that we are at risk of wasting a vast amount of money.

General James Cartwright, former Vice Chairman of the Joint Chiefs of Staff, has argued we haven't really exercised the mental gymnastics, the intellectual capital on what is required for nuclear deterrence yet. I'm pleased that it's starting.

Other leaders from the Pentagon have also identified nuclear weapons programs as an area to make cuts. The commander of the U.S. Strategic Command, General Robert Kehler, has pointed to the unsustainability of this spending. We're not going to be able to go forward, he said, with weapons systems that cost what weapons systems cost today. A case in point is a long-range strike bomber; a case in point is the Trident submarine replacement. The list goes on.

The savings to the American taxpayer could be considerable. The long-range penetrating bomber will cost $50 billion over the next 10 years and fills no need that isn't already filled by our existing fleet of B–52 and B–2 bombers.

Rightsizing our fleet of nuclear-armed Trident subs to eight or fewer from 12 and building no more than eight new nuclear-armed subs would save approximately $26 billion over the next decade and help close the budget deficit and reduce Russia's incentive to maintain a large nuclear arsenal in the bargain, and we will still have a nuclear arsenal vastly superior to any other and remain a deterrent capacity second to none. Fiscal conservatives have also targeted the nuclear weapons budget as a clear area for cuts.

Senator TOM COBURN voted against the new START arms control treaty last December but now advocates spending cuts that would lower the number of nuclear weapons below new START numbers.

The point is that, far from saying we shouldn't have other nations proliferating, we should start with ourselves here. Let's start cutting back these nuclear programs. Let's take a stand that all nations should get rid of their nuclear weapons. Let's move forward to see what a world would like look like without nuclear weapons instead of just saying, well, there are some nations that shouldn't have nuclear weapons.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 9¾ minutes.

Mr. KUCINICH. I yield myself an additional 5 minutes.

One of the most troubling aspects of this legislation is, and it may be the area of the legislation that has not received much attention but it needs to have attention right now, and that is

that this legislation puts this country at odds with Russia in a way that I think is actually against the interests of world peace. It goes on to call out the Russian Federation specifically with respect to saying that they're assisting these nuclear programs. This really, in a sense, is a confession of how far away we've gone from the mark of START I and START II, about how far we've gone away from that time when President Reagan met with Premier Gorbachev to talk about what we can do to start to build down these nuclear weapons.

I remember when Vladimir Putin, who is now being reviled, when Vladimir Putin made the offer to President George W. Bush to start to get rid of nuclear weapons, and, unfortunately, his efforts were rebuffed.

□ 2130

We should be engaging Russia directly on getting rid of nuclear weapons. Instead, what we have here is a restriction on payments in connection with the International Space Station. That's in here. You know, remember, the International Space Station was the centerpiece of U.S.-Russia cooperation. We held that out as proving that we could work together on Earth as it is in heaven. We showed that that space station was a platform for cooperation and peace between Russia and the United States.

What we're doing here is we're saying in effect that all extraordinary payments in connection with the International Space Station to Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of Russian Aviation and Space Agency, would basically be restricted.

Mr. BERMAN. Will the gentleman yield just on this question?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. BERMAN. I appreciate that.

Two points just on this issue: one is the language the gentleman originally read with respect to Russia was amended out of the bill in committee.

Mr. KUCINICH. Well, I thank the gentleman for pointing that out.

Mr. BERMAN. Secondly, this language with respect to funding on the Russian flights to the space station is an extension of the authority, not an elimination of the authority, to engage and provide funding for that purpose. So I understand why the gentleman said what he did, but in reality——

Mr. KUCINICH. I'm asking you, when you say this was amended out, it was amended out with respect to the citation of the Russian Federation——

Mr. BERMAN. Yes.

Mr. KUCINICH. As well as the section which spoke directly to the restrictions on the payments.

Mr. BERMAN. The restrictions on payments is an extension of time, and it also has a waiver. The first reference to Russia was eliminated from the bill.

Mr. KUCINICH. Okay. Well, I appreciate your pointing that out. But I would yield to my friend for a question.

Does this legislation, or does it not, have a reference to the International Space Station and Russia? Is there a reference to it?

Mr. BERMAN. Yes.

Mr. KUCINICH. And is there any kind of restriction being placed on Russia with respect to payments in connection with the International Space Station?

I yield to the gentleman from California.

Mr. BERMAN. There is language in the bill with respect to restrictions. There is a waiver in the bill for those restrictions, and there is an extension of non-applicability of those provisions until 2020.

Mr. KUCINICH. I would reclaim my time and respectfully suggest to my friend from California that even if you're extending the non-applicability, our friends in Russia will read this as being an attempt to try to put Russia in a position where we are forcing them to put at risk the International Space Station if in fact they wish to have a different kind of diplomacy than we have.

I reserve the balance of my time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. May I inquire of the Chair how much time I have.

The SPEAKER pro tempore. The gentleman from California has 4 minutes.

Mr. BERMAN. I am only going to use a moment of the time simply to address the issue that my friend from Ohio talked about with respect to sanctions.

The focus on unilateral sanctions without international support versus effective multilateral sanctions, that distinction was not made by my friend from Ohio. The fact is that this administration and this Congress, through legislation, working in coordination with the members of the Security Council, our friends in the European Union, our allies in Asia, have put together a multilateral level of sanctions that has never been seen before.

And old studies regarding the effectiveness of unilateral sanctions in terms of altering a country's behavior are not applicable in this situation because we are deeply committed to the understanding that we will estop this kind of proliferation in which we have the support of all of the countries of the world who are committed to and adhere to the nonproliferation treaty.

And I suggest with that that I should yield back the balance of my time.

Mr. KUCINICH. May I ask how much time I have left.

The SPEAKER pro tempore. The gentleman from Ohio has 4¾ minutes, and the gentlewoman from Florida has 2½ minutes.

Mr. KUCINICH. Does the gentlelady wish to close?

Ms. ROS-LEHTINEN. Yes. As I have stated before and will continue to state, I will reserve my time to close.

Mr. KUCINICH. It's time for the United States as a Nation to change its direction, to begin to see ourselves as a Nation among nations, not a Nation above nations, to begin to set aside war as an instrument of policy, to be sensitive to the power that we have so that we're not attempting to use our force in a way that would punish someone militarily who doesn't agree with us.

The underlying premise that my friends here have of nonproliferation is something I agree with, but where we depart from agreement is where we're focusing on nonproliferation among only a few countries.

I will say it again: we need a new direction in America. It's a direction where we stand for peace, not the kind of peace which is some airy-fairy notion, and not just looking at peace as the absence of war, but peace as an active presence and the capacity we have to pursue the science of human relations, and to be able to use diplomacy to get to a place where we all feel secure.

But we don't have that today. So what we do is we try to find our security through straitjacketing other nations with sanctions that inevitably are bound to fail and which inevitably turn the people of the countries who we're sanctioning against us and help to strengthen the hands of the regime that's being sanctioned.

We need to, as a Nation, take a stand for nuclear abolition once and for all. We need to, as a Nation, get rid of this idea that war is acceptable. We need to determine that we can get strength and be a strong Nation through peace. Strength through peace is the approach that we ought to be taking, have a national security strategy that involves strength through peace and let our diplomacy, let our pursuit of diplomacy guide us in taking our relations with other nations to a new level.

This isn't naive. I stood here challenging the war in Iraq, and I was right about that. And I can tell you that this Congress took a direction that wasted $5 trillion, the lives of almost 5,000 of our troops, tens of thousands of troops injured, millions of Iraqis dead. Why don't we try diplomacy rather than sanctions? It's something that we really haven't tried, and it's time that we did.

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

Ms. ROS-LEHTINEN. Mr. Speaker, to close on this bill, I am pleased to give our remaining time to the gentleman from California (Mr. ROYCE), who is the chairman of our Subcommittee on Foreign Affairs on Terrorism, Nonproliferation and Trade and has been a leader in this sanctions legislation for a mighty long time.

Mr. ROYCE. Mr. Speaker, last week we had a headline in the newspaper that I think underscores the importance of this legislation, and what that headline said was that North Korea is making a missile able to hit the United States.

□ 2140

Now, the reason we're concerned about Iran's activities here in proliferation is because Iran announces they want to kill us. That tends to get our attention. And as a consequence, we begin to think, what could we do to sanction their central bank in order to make it very, very difficult for them to proceed down this road?

Well, let's go back for a minute to this North Korea story, remembering already that we've seen North Korea, proliferate and attempt to give nuclear capability to Syria. We've seen North Korea proliferate to Iran and Pakistan with their missile capabilities. And the story reported that North Korea is moving ahead to build its first road mobile intercontinental ballistic missile. And of course, mobile missiles are very difficult to find. You can't locate them. They're made to be hidden.

And with these developments, the Secretary of Defense said North Korea is in the process of becoming a direct threat to the United States. That's former Secretary of Defense Gates.

No one who has closely watched North Korea is surprised by these developments. And because we haven't seriously sanctioned North Korea in the way of—I mean, we tried sanctioning the Bank of Delta Asia for a short period of time and, frankly, it worked, and then we lifted those sanctions.

I want you to think about this. Pyongyang builds a nuclear reactor in Syria, no real consequences. North Korea unveils an advanced uranium enrichment plant, no real consequences. Kim Jong-Il torpedoes a South Korean ship, no real consequences.

Fully implementing this legislation could impose costs on North Korea or on Iran. But just as with the previous legislation, the administration isn't aggressively confronting this North Korean threat.

Now, I'm going to share with you my concern over all of this. If history is a guide, we'll pass these bills, we'll take them up tomorrow. They'll pass out of the House by tremendous margins. Then we'll wait. We'll wait for the other body to act. Then the Obama administration will press for these sanctions to be scaled back, as it continues to do. And this is what happened last Congress, and my concern is that that is what happens here now. We've got to push this now.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 2105, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CALLING FOR REPATRIATION OF POW/MIAS AND ABDUCTEES FROM KOREAN WAR

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 376) calling for the repatriation of POW/MIAs and abductees from the Korean War, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 376

Whereas 61 years have passed since communist North Korea invaded the Republic of Korea, thereby initiating the Korean War on June 25, 1950;

Whereas during the Korean War, nearly 1.8 million members of the United States Armed Forces served in theater along with the forces of the Republic of Korea and 20 other Allied nations under the United Nations Command to defend freedom and democracy in the Korean Peninsula;

Whereas 58 years have passed after the signing of the ceasefire agreement at Panmunjom on July 27, 1953, and the peninsula still technically remains in a state of war;

Whereas talks for a peace treaty began on July 10, 1951, but were prolonged for two years due to disagreement between the United Nations and North Korea regarding the repatriation of prisoners of war (POWs);

Whereas the repatriation of Korean War POWs did not begin until September 4, 1953, at Freedom Village, Panmunjom;

Whereas the majority of surviving United Nations POWs were repatriated or turned over to the Neutral Nations Repatriation Commission in accordance with Section 3 of the Armistice Agreement, but the United Nations Command noted a significant discrepancy between the Command's estimate of POWs and the number given by North Korea;

Whereas the Defense Prisoner of War/Missing Personnel Office of the Department of Defense (DPMO) lists more than 8,000 members of the United States Armed Forces as POWs or missing in action who are unaccounted for from the Korean War, including an estimated 5,500 in North Korea;

Whereas many South Korean POWs were never reported as POWs during the negotiations, and it is estimated as many as 73,000 South Korean POWs were not repatriated;

Whereas the Joint Field Activities conducted by the United States between 1996 and 2005 yielded over 220 sets of remains that are still being processed for identification at Joint Prisoners of War, Missing in Action Accounting Command in Hawaii;

Whereas the United States recovery operations in North Korea were suspended on May 25, 2005, because of disagreements over communications facilities;

Whereas North Korea has consistently refused to discuss the POW issue, and the exact number of South Korean POWs who were detained in North Korea after the war is unknown, as is the number of those still alive in North Korea;

Whereas approximately 100,000 South Korean civilians (political leaders, public employees, lawyers, journalists, scholars, farmers, etc.) were forcibly abducted by the North Korean Army during the Korean War, but North Korea has neither admitted the abductions occurred nor accounted for or repatriated the civilians;

Whereas many young South Korean men were forcibly conscripted into the North Korean Army during the Korean War;

Whereas North Korea's abduction of South Korean civilians was carried out under a well-planned scheme to make up the shortage of North Korea's own needed manpower, and to communize South Korea;

Whereas during the Korean War Armistice Commission Conference, the United Nations Command, led by the United States, negotiated strongly to seek that South Korean civilians abducted by North Korea be exchanged for Communist POWs held by the United Nations;

Whereas North Korea persistently delayed in POW/civilian internee negotiations, refusing to acknowledge that they had committed a war crime of civilian abduction, with a result that in the armistice talks Korean War abductees were re-classified ''displaced persons'' and, consequently, not a single person among them has been able to return home;

Whereas the South Korean families of the civilians abducted by North Korea six decades ago have endured extreme pain and suffering due to the prolonged separation and due to the knowledge that North Korea has neither admitted that the abductions occurred nor accounted for or repatriated these civilians;

Whereas former South Korean POWs and abductees who escaped from North Korea have provided valuable and credible information on sightings of American and South Korean POWs in concentration camps;

Whereas tens of thousands of friends and families of the POW/MIAs and abductees from the Korean War, including the National Alliance of POW/MIA Families, POW/MIA Freedom Fighters, the Coalition of Families of Korean & Cold War POW/MIAs, the International Korean War Memorial Foundation POW Affairs Committee, Rolling Thunder, Inc., the Korean War Abductees Family Union, the Korea National Red Cross, World Veterans Federation, and the National Assembly of Republic of Korea, have called for full accounting of the POW/MIAs and abductees by North Korea; and

Whereas July 27, 2011, is the National Korean War Veterans Armistice Day, which is a day of remembrance and recognition of Korean War veterans and those persons who never returned home from the Korean War: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that there are South Korean prisoners of war (POWs) and civilian abductees from the Korean War who are still alive in North Korea and want to be repatriated;

(2) takes note of the U.S.-North Korean agreement of October 20, 2011, on resuming operations to search for and recover remains of American POW/MIAs and calls upon the United States Government to continue to explore the possibility that there could be American POW/MIAs still alive inside North Korea;

(3) recommends that the United States and South Korean Governments jointly investigate reports of sightings of American POW/MIAs;

(4) encourages North Korea to repatriate any American and South Korean POWs to their home countries to reunite with their families under the International Humanitarian Law set forth in the Geneva Convention relative to the treatment of Prisoners of War;

(5) calls upon North Korea to admit to the abduction of more than 100,000 South Korean civilians and reveal the status of the abductees; and

(6) calls upon North Korea to agree to the family reunions and immediate repatriation