



PRESS RELEASE

House National Security Committee

Floyd D. Spence, Chairman

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December 10, 1998

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LAWMAKERS OPPOSE ADMINISTRATION ATTEMPT TO WEAKEN SATELLITE EXPORT CONTROLS

December 9—U.S. Rep. Floyd D. Spence (R-SC), Chairman of the House National Security Committee, today joined five other House and Senate committee chairmen in writing to President Clinton to express strong opposition to the Administration's apparent plans to relax the munitions export control process to facilitate continued export of commercial satellites to China.

The Administration's plans are in response to legislation contained in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) which requires that, effective March 15, 1999, the licensing authority for commercial satellites be shifted from the Commerce Department to the State Department where it had resided prior to 1996. The State Department licensing process is widely recognized as more rigorous and sensitive to the national security implications of transferring militarily-sensitive technology to proliferant nations such as China.

"The Clinton Administration appears once again to be heading toward a direct confrontation with the Congress over the wisdom of exporting satellites to countries like China. Not only has President Clinton declared his commitment to seek the overturn of congressional direction and current law in this area, but in the meantime the Administration is also putting into motion plans to circumvent the law by 'dumbing down' the State Department munitions licensing process to bring closer in line with the more lax Commerce process," said Spence. "Neither step is in the nation's security interests, and I am committed to work closely with my fellow Chairmen in the House and Senate to oppose any such outcome."

Joining Spence in signing the letter are House International Relations Committee Chairman Ben Gilman, House Permanent Select Committee on Intelligence Chairman Porter Goss, Senate Armed Services Committee Chairman Strom Thurmond, Senate Foreign Relations Committee Chairman Jesse Helms, and Senate Select Committee on Intelligence Chairman Richard Shelby.

A copy of the letter is attached.

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Congress of the United States

Washington, DC 20515

December 9, 1998

Honorable William J. Clinton
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

We are writing to express our concern regarding the positions articulated in your October 17, 1998 signing statement concerning the satellite export control provisions of H.R. 3616, the "Strom Thurmond National Defense Authorization Act for Fiscal Year 1999" (Public Law 105-261).

The tone of the signing statement, and the actions you propose to take with respect to the implementation of the satellite export control provisions, raise serious questions concerning whether or not your Administration intends to implement the law in a manner consistent with the unambiguous intent of Congress. Specifically, your declared intention to employ time lines and export licensing practices for satellites and related items "in a manner consistent with current dual-use export license processing" suggests your Administration is planning to modify the existing munitions list State Department export licensing regime to conform it to the less rigorous dual-use Commerce Department regime. If true, we would consider such an approach to be in direct contravention of the intent of this legislation. Further, such "dumbing down" or easing of the State Department's current export licensing regime in order to more easily accommodate the export of commercial satellites to China would mark a fundamental and ill-advised departure from long-standing United States export control policies which we would vigorously oppose.

As you know, the legislation at issue results from well established concerns that the 1996 decision to transfer export jurisdiction for commercial communications satellites from the State Department to the Commerce Department has resulted in weakened procedures and controls on the flow of militarily sensitive technology to countries of proliferation and national security concern, such as China. Given the serious security risks involved, it was the judgement of the Congress that licensing review of such transactions should be guided by procedures designed to grant national security

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considerations an overriding priority. Public Law 105- 261 reflects Congress' belief that the existing munitions list procedures administered by the State Department are far more consistent with addressing these national security concerns than the Commerce Department process. Although the legislation allows the Administration to propose to Congress procedural measures for improving the State Department licensing process, your signing statement makes no mention of this cooperative avenue and instead calls on Congress to pass "remedial legislation to halt this transfer of jurisdiction prior to its effective date." This statement reflects an apparent unwillingness to work with Congress to implement the law in a manner that both protects national security and improves whatever procedural shortcomings your Administration believes may exist in the licensing process.

In conclusion, the intent of Congress is unambiguous. We stand in strong opposition to any attempt to undermine legislative intent and weaken existing munitions list export license procedures through regulation or administrative action and request that you consult closely with the Congress in advance of proceeding with specific implementation of this legislation.

Sincerely,



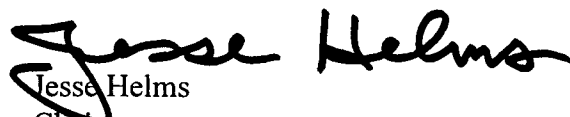
Floyd D. Spence
Chairman
House National Security Committee



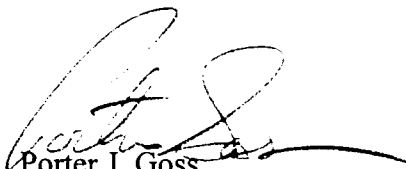
Strom Thurmond
Chairman
Senate Armed Services Committee



Benjamin A. Gilman
Chairman
House International Relations Committee



Jesse Helms
Chairman
Senate Foreign Relations Committee



Porter J. Goss
Chairman
House Permanent Select Committee
on Intelligence



Richard C. Shelby
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