Mr. President, I had a

number of concerns with this bill, as it

was approved by the House. I am

pleased that we have been able to reach

agreement on an amendment that addresses

many of these concerns. The

managers’ amendment would make it

clear that the application of sanctions

under section 3 of the bill is discretionary,

not mandatory. It would also

urge the executive branch to provide

notice to persons who may be subject

to sanctions under this provision, giving

them an opportunity to provide explanatory

or exculpatory information

before such sanctions are provided.

I had planned on offering several

amendments to this bill when it came

to the floor, but because of the adoption

of this amendment, I shall not do

so. I would also like to clarify a few

points with the chief Senate sponsors

of the bill.

First, the bill requires reporting of

foreign persons when there is ‘‘credible

information’’ indicating that the person

transferred specified goods, services,

or technologies to Iran. I understand

that it is the intent of the sponsors

that the President judge the credibility

of information on the basis of all

information available to him, including

both information that supports and

information that undermines the conclusion

that a covered transfer may

have taken places. In other words,

‘‘credible information’’ is information

that would lead a reasonable person to

conlcude—after consideration of all the

available evidence—that there is a substantial

possibility that a covered

transfer took place. Is that correct?

The second point that I

would like to address is the use of the

word ‘‘timely’’ in the managers’

amendment. It is my understanding

that the intent is that, whenever appropriate,

the President provide notice

to foreign persons, or to the government

with primarily jurisdiction over

such persons, in a manner that provides

them a reasonable opportunity to

provide explanatory or exculpatory information

before sanctions are imposed.

Do the lead sponsors agree with

this view?

Finally, I would like to

address section 6 of the bill, which requires

a determination by the President

that, among other things, the

Government of Russia has demonstrated

a sustained commitment to

seek out and prevent the transfer to

Iran of goods, services and technology

that ‘‘could’’ make a material contribution

to the development of nuclear,

biological, or chemical weapons,

or of ballistic or cruise missile systems.

It is my understanding that the

use of the word ‘‘could’’ in this provision

is not intended to go beyond other

nonproliferation requirements or require

the President to consider remote

or absurdly hypothetical circumstances.

Is that correct?