

106TH CONGRESS
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H. R. 1883

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

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1999

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Iran Nonproliferation
5 Act of 1999”.

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

7 (a) REPORTS.—The President shall, at the times
8 specified in subsection (b), submit to the Committee on

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

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

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

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

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

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

1 vention on the Prohibition of the Development,
2 Production, Stockpiling and Use of Chemical
3 Weapons and on Their Destruction; or

4 (E) the Wassenaar Arrangement list of
5 Dual Use Goods and Technologies and Muni-
6 tions list; or

7 (2) goods, services, or technology not listed on
8 any list identified in paragraph (1) but which never-
9 theless would be, if they were United States goods,
10 services, or technology, prohibited for export to Iran
11 because of their potential contribution to the devel-
12 opment of nuclear, biological, or chemical weapons,
13 or of ballistic missile systems.

14 (b) TIMING OF REPORTS.—The reports under sub-
15 section (a) shall be submitted not later than 30 days after
16 the date of the enactment of this Act, not later than 6
17 months after such date of enactment, and not later than
18 the end of each 6-month period thereafter.

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

20 (1) was identified in a previous report sub-
21 mitted under subsection (a) on account of a par-
22 ticular transfer, or

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

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

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

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

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

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

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

1 (2) ARMS EXPORT PROHIBITION.—The United
2 States Government shall not sell to that foreign per-
3 son any item on the United States Munitions List
4 as in effect on August 8, 1995, and shall terminate
5 sales to that person of any defense articles, defense
6 services, or design and construction services under
7 the Arms Export Control Act.

8 (3) DUAL USE EXPORT PROHIBITION.—The au-
9 thorities of section 6 of the Export Administration
10 Act of 1979 shall be used to prohibit the export to
11 that person of any goods or technology on the con-
12 trol list established under section 5(c)(1) of that
13 Act.

14 (c) EFFECTIVE DATE OF MEASURES.—Measures ap-
15 plied pursuant to subsection (a) shall be effective with re-
16 spect to a foreign person—

17 (1) 30 days after the report identifying the for-
18 eign person is submitted, if the report is submitted
19 on or before the date required by section 2(b);

20 (2) 30 days after the date required by section
21 2(b) for submitting the report, if the report identi-
22 fying the foreign person is submitted within 30 days
23 after that date; or

24 (3) on the date that the report identifying the
25 foreign person is submitted, if that report is sub-

1 mitted more than 30 days after the date required by
2 section 2(b).

3 (d) PUBLICATION IN FEDERAL REGISTER.—The ap-
4 plication of measures to a foreign person pursuant to sub-
5 section (a) shall be announced by notice published in the
6 Federal Register.

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

8 (a) REQUIREMENT TO NOTIFY CONGRESS.—Should
9 the President not exercise the authority of section 3(a)
10 to apply any or all of the measures described in section
11 3(b) with respect to a foreign person identified in a report
12 submitted pursuant to section 2(a), he shall so notify the
13 Committee on International Relations of the House of
14 Representatives and the Committee on Foreign Relations
15 of the Senate no later than the effective date under section
16 3(c) for measures with respect to that person.

17 (b) WRITTEN JUSTIFICATION.—Any notification sub-
18 mitted by the President under subsection (a) shall include
19 a written justification describing in detail the facts and
20 circumstances relating specifically to the foreign person
21 identified in a report submitted pursuant to section 2(a)
22 that support the President’s decision not to exercise the
23 authority of section 3(a) with respect to that person.

24 (c) SUBMISSION IN CLASSIFIED FORM.—When the
25 President considers it appropriate, the notification of the

1 President under subsection (a), and the written justifica-
2 tion under subsection (b), or appropriate parts thereof,
3 may be submitted in classified form.

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

6 (a) IN GENERAL.—Sections 3 and 4 shall not apply
7 to a foreign person 15 days after the President determines
8 and reports to the Committee on International Relations
9 of the House of Representatives and the Committee on
10 Foreign Relations of the Senate that, on the basis of infor-
11 mation provided by that person, or otherwise obtained by
12 the President, the President is persuaded that—

13 (1) the person did not, on or after January 22,
14 1998, knowingly transfer to Iran the goods, services,
15 or technology the apparent transfer of which caused
16 that person to be identified in a report submitted
17 pursuant to section 2(a); or

18 (2) the goods, services, or technology the trans-
19 fer of which caused that person to be identified in
20 a report submitted pursuant to section 2(a) did not
21 materially contribute to Iran's efforts to develop nu-
22 clear, biological, or chemical weapons, or ballistic
23 missile systems.

1 (b) WRITTEN JUSTIFICATION.—Any determination
2 and report of the President under subsection (a) shall in-
3 clude a written justification describing in detail—

4 (1) the credible information indicating that the
5 person, on or after January 22, 1998, transferred to
6 Iran goods, services, or technology the apparent
7 transfer of which caused that person to be identified
8 in a report submitted pursuant to section 2(a);

9 (2) the additional information which persuaded
10 the President that the person did not, on or after
11 January 22, 1998, knowingly transfer to Iran goods,
12 services, or technology the apparent transfer of
13 which caused that person to be identified in a report
14 submitted pursuant to section 2(a); and

15 (3) the analysis of the information supporting
16 the President's conclusion.

17 (c) SUBMISSION IN CLASSIFIED FORM.—When the
18 President considers it appropriate, the determination and
19 report of the President under subsection (a), and the writ-
20 ten justification under subsection (b), or appropriate parts
21 thereof, may be submitted in classified form.

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

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

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

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

1 Iran of weapons of mass destruction and missile sys-
2 tems capable of delivering such weapons;

3 (2) the Government of the Russian Federation
4 (including all law enforcement, export promotion, ex-
5 port control, and intelligence agencies of such gov-
6 ernment) is taking the necessary steps to prevent
7 the transfer from Russia to Iran of goods, services,
8 and technology useful in the development of weapons
9 of mass destruction and missile systems capable of
10 delivering such weapons; and

11 (3) neither the Russian Space Agency, nor any
12 organization or entity under the jurisdiction or con-
13 trol of the Russian Space Agency, has, during the 1-
14 year period prior to the date of the determination
15 pursuant to this subsection, made transfers to Iran
16 reportable under section 2(a) of this Act (other than
17 transfers with respect to which a determination pur-
18 suant to section 5 has been or will be made).

19 (c) PRIOR NOTIFICATION.—Not less than 30 days be-
20 fore making a determination under subsection (b), the
21 President shall notify the Committee on International Re-
22 lations and the Committee on Science of the House of
23 Representatives and the Committee on Foreign Relations
24 and the Committee on Commerce, Science, and Transpor-

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

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

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

14 **SEC. 7. DEFINITIONS.**

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

17 (1) EXTRAORDINARY PAYMENTS IN CONNEC-
18 TION WITH THE INTERNATIONAL SPACE STATION.—

19 The term “extraordinary payments in connection
20 with the International Space Station” means pay-
21 ments in cash or in kind made or to be made by the
22 United States Government—

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

1 (B) for work on the International Space
2 Station, or for the purchase of goods or services
3 relating to human space flight, that are not re-
4 quired to be made under the terms of a con-
5 tract or other agreement that was in effect on
6 January 1, 1999, as those terms were in effect
7 on such date.

8 (2) FOREIGN PERSON; PERSON.—The terms
9 “foreign person” and “person” mean—

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

11 (B) a corporation, business association,
12 partnership, society, trust, or any other non-
13 governmental entity, organization, or group,
14 that is organized under the laws of a foreign
15 country or has its principal place of business in
16 a foreign country;

17 (C) any foreign governmental entity oper-
18 ating as a business enterprise; and

19 (D) any successor or subsidiary of any en-
20 tity described in subparagraph (B) or (C).

21 (3) EXECUTIVE ORDER 12938.—The term “Ex-
22 ecutive Order 12938” means Executive Order 12938
23 as in effect on January 1, 1999.

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