

109TH CONGRESS
1ST SESSION

S. 1713

AN ACT

To make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments.

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 Amendments Act of 2005”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The Director of Central Intelligence's most
4 recent Unclassified Report to Congress on the Ac-
5 quisition of Technology Relating to Weapons of
6 Mass Destruction and Advanced Conventional Muni-
7 tions, 1 July Through 31 December 2003, states
8 "Russian entities during the reporting period contin-
9 ued to supply a variety of ballistic missile-related
10 goods and technical know-how to countries such as
11 Iran, India, and China. Iran's earlier success in
12 gaining technology and materials from Russian enti-
13 ties helped accelerate Iranian development of the
14 Shahab-3 MRBM, and continuing Russian entity as-
15 sistance has supported Iranian efforts to develop
16 new missiles and increase Tehran's self-sufficiency
17 in missile production."

18 (2) Vice Admiral Lowell E. Jacoby, the Direc-
19 tor of the Defense Intelligence Agency, stated in tes-
20 timony before the Select Committee on Intelligence
21 of the Senate on February 16, 2005, that "Tehran
22 probably will have the ability to produce nuclear
23 weapons early in the next decade".

24 (3) Iran has—

25 (A) failed to act in accordance with the
26 Agreement Between Iran and the International

1 Atomic Energy Agency for the Application of
2 Safeguards in Connection with the Treaty on
3 the Non-Proliferation of Nuclear Weapons,
4 done at Vienna June 19, 1973 (commonly re-
5 ferred to as the “Safeguards Agreement”);

6 (B) acted in a manner inconsistent with
7 the Protocol Additional to the Agreement Be-
8 tween Iran and the International Atomic En-
9 ergy Agency for the Application of Safeguards,
10 signed at Vienna December 18, 2003 (com-
11 monly referred to as the “Additional Protocol”);

12 (C) acted in a manner inconsistent with its
13 obligations under the Treaty on the Non-Pro-
14 liferation of Nuclear Weapons, done at Wash-
15 ington, London, and Moscow July 1, 1968, and
16 entered into force March 5, 1970 (commonly re-
17 ferred to as the “Nuclear Non-Proliferation
18 Treaty”); and

19 (D) resumed uranium enrichment activi-
20 ties, thus ending the confidence building meas-
21 ures it adopted in its November 2003 agree-
22 ment with the foreign ministers of the United
23 Kingdom, France, and Germany.

24 (4) The executive branch has on multiple occa-
25 sions used the authority provided under section 3 of

1 the Iran Nonproliferation Act of 2000 (Public Law
2 106–178; 50 U.S.C. 1701 note) to impose sanctions
3 on entities that have engaged in activities in viola-
4 tion of restrictions in the Act relating to—

5 (A) the export of equipment and tech-
6 nology controlled under multilateral export con-
7 trol lists, including under the Australia Group,
8 Chemical Weapons Convention, Missile Tech-
9 nology Control Regime, Nuclear Suppliers
10 Group, and the Wassenaar Arrangement or oth-
11 erwise having the potential to make a material
12 contribution to the development of weapons of
13 mass destruction or cruise or ballistic missile
14 systems to Iran; and

15 (B) the export of other items to Iran with
16 the potential of making a material contribution
17 to Iran’s weapons of mass destruction programs
18 or on United States national control lists for
19 reasons related to the proliferation of weapons
20 of mass destruction or missiles.

21 (5) The executive branch has never made a de-
22 termination pursuant to section 6(b) of the Iran
23 Nonproliferation Act of 2000 that—

24 (A) it is the policy of the Government of
25 the Russian Federation to oppose the prolifera-

tion to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

(B) 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 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; and

(C) no entity under the jurisdiction or control of the Government of the Russian Federation, has, during the 1-year period prior to the date of the determination pursuant to section 6(b) of such Act, made transfers to Iran reportable under section 2(a) of the Act.

(6) On June 29, 2005, President George W. Bush issued Executive Order 13382 blocking property of weapons of mass destruction proliferators and their supporters, and used the authority of such order against 4 Iranian entities, Aerospace Indus-

1 tries Organization, Shahid Hemmat Industrial
 2 Group, Shahid Bakeri Industrial Group, and the
 3 Atomic Energy Organization of Iran, that have en-
 4 gaged, or attempted to engage, in activities or trans-
 5 actions that have materially contributed to, or pose
 6 a risk of materially contributing to, the proliferation
 7 of weapons of mass destruction or their means of de-
 8 livery (including missiles capable of delivering such
 9 weapons), including efforts to manufacture, acquire,
 10 possess, develop, transport, transfer, or use such
 11 items.

12 **SEC. 3. AMENDMENTS TO IRAN NONPROLIFERATION ACT**
 13 **OF 2000 RELATED TO INTERNATIONAL SPACE**
 14 **STATION PAYMENTS.**

15 (a) TREATMENT OF CERTAIN PAYMENTS.—Section
 16 7(1)(B) of the Iran Nonproliferation Act of 2000 (Public
 17 Law 106–178; 50 U.S.C. 1701 note) is amended by insert-
 18 ing after “such date” the following: “, except that such
 19 term does not mean payments in cash or in kind made
 20 or to be made by the United States Government, to meet
 21 the obligations of the United States under the Agreement
 22 Concerning Cooperation on the Civil International Space
 23 Station, with annex, signed at Washington January 29,
 24 1998, and entered into force March 27, 2001, or any pro-

1 tocol, agreement, memorandum of understanding, or con-
 2 tract related thereto, to January 1, 2012”.

3 (b) REPORTING REQUIREMENTS.—Section 6 of such
 4 Act is amended by adding at the end the following new
 5 subsection:

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

8 “(1) IN GENERAL.—The President shall, to-
 9 gether with each report submitted under section
 10 2(a), submit to the Committee on Foreign Relations
 11 of the Senate and the Committee on International
 12 Relations of the House of Representatives a report
 13 that identifies each Russian entity or person to
 14 whom the United States Government has, since the
 15 date of the enactment of the Iran Nonproliferation
 16 Amendments Act of 2005, made a payment in cash
 17 or in kind to meet the obligations of the United
 18 States under the Agreement Concerning Cooperation
 19 on the Civil International Space Station, with annex,
 20 signed at Washington January 29, 1998, and en-
 21 tered into force March 27, 2001, or any protocol,
 22 agreement, memorandum of understanding, or con-
 23 tract related thereto.

24 “(2) CONTENT.—Each report submitted under
 25 paragraph (1) shall include—

1 “(A) the specific purpose of each payment
 2 made to each entity or person identified in the
 3 report; and

4 “(B) with respect to each such payment,
 5 the assessment of the President that the pay-
 6 ment was not prejudicial to the achievement of
 7 the objectives of the United States Government
 8 to prevent the proliferation of ballistic or cruise
 9 missile systems in Iran and other countries that
 10 have repeatedly provided support for acts of
 11 international terrorism, as determined by the
 12 Secretary of State under section 620A(a) of the
 13 Foreign Assistance Act of 1961 (22 U.S.C.
 14 2371(a)), section 6(j) of the Export Adminis-
 15 tration Act of 1979 (50 U.S.C. App. 2405(j)),
 16 or section 40(d) of the Arms Export Control
 17 Act (22 U.S.C. 2780(d)).”.

Passed the Senate September 21, 2005.

Attest:

Secretary.

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