

109TH CONGRESS
1ST SESSION

S. 1713

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2005

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

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”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Director of Central Intelligence’s most
9 recent Unclassified Report to Congress on the Ac-
10 quisition of Technology Relating to Weapons of

1 Mass Destruction and Advanced Conventional Muni-
2 tions, 1 July Through 31 December 2003, states
3 “Russian entities during the reporting period contin-
4 ued to supply a variety of ballistic missile-related
5 goods and technical know-how to countries such as
6 Iran, India, and China. Iran’s earlier success in
7 gaining technology and materials from Russian enti-
8 ties helped accelerate Iranian development of the
9 Shahab-3 MRBM, and continuing Russian entity as-
10 sistance has supported Iranian efforts to develop
11 new missiles and increase Tehran’s self-sufficiency
12 in missile production.”

13 (2) Vice Admiral Lowell E. Jacoby, the Direc-
14 tor of the Defense Intelligence Agency, stated in tes-
15 timony before the Select Committee on Intelligence
16 of the Senate on February 16, 2005, that “Tehran
17 probably will have the ability to produce nuclear
18 weapons early in the next decade”.

19 (3) Iran has—

20 (A) failed to act in accordance with the
21 Agreement Between Iran and the International
22 Atomic Energy Agency for the Application of
23 Safeguards in Connection with the Treaty on
24 the Non-Proliferation of Nuclear Weapons,

1 done at Vienna June 19, 1973 (commonly re-
2 ferred to as the “Safeguards Agreement”);

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

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

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

21 (4) The executive branch has on multiple occa-
22 sions used the authority provided under section 3 of
23 the Iran Nonproliferation Act of 2000 (Public Law
24 106–178; 50 U.S.C. 1701 note) to impose sanctions

1 on entities that have engaged in activities in viola-
2 tion of restrictions in the Act relating to—

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

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

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

22 (A) it is the policy of the Government of
23 the Russian Federation to oppose the prolifera-
24 tion to Iran of weapons of mass destruction and

1 missile systems capable of delivering such weap-
2 ons;

3 (B) the Government of the Russian Fed-
4 eration (including the law enforcement, export
5 promotion, export control, and intelligence
6 agencies of such government) has demonstrated
7 and continues to demonstrate a sustained com-
8 mitment to seek out and prevent the transfer to
9 Iran of goods, services, and technology that
10 could make a material contribution to the devel-
11 opment of nuclear, biological, or chemical weap-
12 ons, or of ballistic or cruise missile systems;
13 and

14 (C) no entity under the jurisdiction or con-
15 trol of the Government of the Russian Federa-
16 tion, has, during the 1-year period prior to the
17 date of the determination pursuant to section
18 6(b) of such Act, made transfers to Iran report-
19 able under section 2(a) of the Act.

20 (6) On June 29, 2005, President George W.
21 Bush issued Executive Order 13382 blocking prop-
22 erty of weapons of mass destruction proliferators
23 and their supporters, and used the authority of such
24 order against 4 Iranian entities, Aerospace Indus-
25 tries Organization, Shahid Hemmat Industrial

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

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

14 (a) TREATMENT OF CERTAIN PAYMENTS.—Section
15 7(1)(B) of the Iran Nonproliferation Act of 2000 (Public
16 Law 106–178; 50 U.S.C. 1701 note) is amended by insert-
17 ing after “such date” the following: “, except that such
18 term does not mean payments in cash or in kind made
19 or to be made by the United States Government, to meet
20 the obligations of the United States under the Agreement
21 Concerning Cooperation on the Civil International Space
22 Station, with annex, signed at Washington January 29,
23 1998, and entered into force March 27, 2001, or any pro-
24 tocol, agreement, memorandum of understanding, or con-
25 tract related thereto, to January 1, 2012”.

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

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

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

22 “(2) CONTENT.—Each report submitted under
23 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)).”.

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