

111TH CONGRESS
1ST SESSION

H. R. 364

To restrict nuclear cooperation with the United Arab Emirates, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. SHERMAN, Mr. MARKEY of Massachusetts, Mr. FORTENBERRY, Mr. BURTON of Indiana, Mr. BOOZMAN, and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To restrict nuclear cooperation with the United Arab Emirates, 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 “Limitation on Nuclear
5 Cooperation with the United Arab Emirates Act of 2009”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Affairs of
5 the House of Representatives; and

6 (B) the Committee on Foreign Relations of
7 the Senate.

8 (2) GOVERNMENT OF THE UNITED ARAB EMIR-
9 ATES.—

10 (A) IN GENERAL.—The term “Government
11 of the United Arab Emirates” includes the gov-
12 ernment of any subdivision of the United Arab
13 Emirates, and any agency or instrumentality of
14 the Government of the United Arab Emirates.

15 (B) AGENCY OR INSTRUMENTALITY.—For
16 purposes of subparagraph (A), the term “agen-
17 cy or instrumentality of the Government of the
18 United Arab Emirates” means an agency or in-
19 strumentality of a foreign state as defined in
20 section 1603(b) of title 28, United States Code,
21 with each reference in such section to “a for-
22 eign state” deemed to be a reference to “the
23 United Arab Emirates”.

24 (3) GOVERNMENT OF IRAN.—

1 (A) IN GENERAL.—The term “Government
2 of Iran” includes the government of any sub-
3 division of Iran, and any agency or instrumen-
4 tality of the Government of Iran.

5 (B) AGENCY OR INSTRUMENTALITY.—For
6 purposes of subparagraph (A), the term “agen-
7 cy or instrumentality of the Government of
8 Iran” means an agency or instrumentality of a
9 foreign state as defined in section 1603(b) of
10 title 28, United States Code, with each ref-
11 erence in such section to “a foreign state”
12 deemed to be a reference to “Iran”.

13 (4) NATIONAL OF THE UNITED ARAB EMIR-
14 ATES.—The term “national of the United Arab
15 Emirates” means—

16 (A) any citizen of the United Arab Emir-
17 ates; or

18 (B) any other legal entity that is organized
19 under the laws of the United Arab Emirates.

20 (5) NATIONAL OF IRAN.—The term “national
21 of Iran” means—

22 (A) any citizen of Iran; or

23 (B) any other legal entity that is organized
24 under the laws of Iran.

1 **SEC. 3. RESTRICTION ON NUCLEAR COOPERATION WITH**
2 **THE UNITED ARAB EMIRATES.**

3 (a) RESTRICTION ON NUCLEAR COOPERATION
4 AGREEMENT.—Notwithstanding any other provision of
5 law or any international agreement, no agreement for co-
6 operation between the United States of America and the
7 United Arab Emirates pursuant to section 123 of the
8 Atomic Energy Act of 1954 (42 U.S.C. 2153) may enter
9 into force on or after the date of the enactment of this
10 Act unless not less than 30 legislative days prior to such
11 entry into force the President certifies to the appropriate
12 congressional committees that the requirements of sub-
13 section (c) have been met.

14 (b) RESTRICTION ON EXPORTS OF NUCLEAR MATE-
15 RIAL, EQUIPMENT, OR TECHNOLOGY.—No license may be
16 issued for the export of nuclear material, equipment, or
17 technology to the United Arab Emirates pursuant to an
18 agreement for cooperation between the United States of
19 America and the United Arab Emirates pursuant to sec-
20 tion 123 of the Atomic Energy Act of 1954 (42 U.S.C.
21 2153) for any fiscal year beginning after the date of the
22 enactment of this Act unless not less than 30 legislative
23 days prior to the issuance of such license the President
24 certifies to the appropriate congressional committees for
25 such fiscal year that the requirements of subsection (c)
26 have been met.

1 (c) REQUIREMENTS.—The requirements referred to
2 in this subsection are the following:

3 (1) The Government of the United Arab Emir-
4 ates has taken, and is continuing to take, effective
5 actions to prohibit, terminate, and prevent the trans-
6 fer of goods, services, or technology to the Govern-
7 ment of Iran, including fully implementing United
8 Nations Security Council sanctions against Iran.

9 (2) For the preceding 12-month period—

10 (A) there has been no cooperation with re-
11 spect to any activity described in paragraph (1)
12 between the Government of the United Arab
13 Emirates and the Government of Iran, any na-
14 tional of Iran, or any Iranian-controlled entity
15 based on all credible information available to
16 the United States at the time of the certifi-
17 cation;

18 (B)(i) there has been no cooperation with
19 respect to any activity described in paragraph
20 (1) between any national of the United Arab
21 Emirates and the Government of Iran, any na-
22 tional of Iran, or any Iranian-controlled entity
23 based on all credible information available to
24 the United States at the time of the certifi-
25 cation; or

1 (ii) the Government of the United Arab
2 Emirates has—

3 (I) terminated all cooperation between
4 any such United Arab Emirates national
5 and the Government of Iran, any such Ira-
6 nian national, or any such Iranian-con-
7 trolled entity;

8 (II) instituted effective measures to
9 prevent a reoccurrence of any such co-
10 operation; and

11 (III) prosecuted any such United
12 Arab Emirates national; and

13 (C) the Government of the United Arab
14 Emirates has not engaged in or condoned ac-
15 tivities that violate—

16 (i) the Iran Sanctions Act of 1996, in-
17 cluding Executive Orders 12957, 12959,
18 13059 and other executive orders issued
19 pursuant to such Act;

20 (ii) the Iran, North Korea, and Syria
21 Nonproliferation Act; and

22 (iii) other provisions of applicable
23 United States law.

24 (3) The Government of the United Arab Emir-
25 ates—

1 (A) has developed and fully implemented
2 an export control regime in accordance with
3 international standards;

4 (B) has developed and implemented the
5 appropriate or necessary legislative and func-
6 tional actions to target the logistical and finan-
7 cial networks that support terrorist organiza-
8 tions; and

9 (C) has cooperated with the United States
10 in identifying, preventing, disrupting and,
11 where appropriate, prosecuting entities and in-
12 dividuals that assist Iran's procurement of
13 goods, services, or technology, and entities af-
14 filiated with the Iranian Revolutionary Guard
15 Corps.

16 (d) GOODS, SERVICES, OR TECHNOLOGY DEFINED.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), in this section, the term “goods, services,
19 or technology” means—

20 (A) goods, services, or technology listed
21 on—

22 (i)(I) the Nuclear Suppliers Group
23 Guidelines for the Export of Nuclear Mate-
24 rial, Equipment and Technology (published
25 by the International Atomic Energy Agen-

1 cy as Information Circular INFCIRC/254/
2 Rev. 8/Part 1, and subsequent revisions)
3 and Guidelines for Transfers of Nuclear-
4 Related Dual-Use Equipment, Material,
5 and Related Technology (published by the
6 International Atomic Energy Agency as In-
7 formation Circular INFCIRC/254/Rev. 7/
8 Part 2, and subsequent revisions);

9 (II) the Missile Technology Control
10 Regime Equipment and Technology Annex
11 of June 11, 1996, and subsequent revi-
12 sions;

13 (III) the lists of items and substances
14 relating to biological and chemical weapons
15 the export of which is controlled by the
16 Australia Group;

17 (IV) the Schedule One or Schedule
18 Two list of toxic chemicals and precursors
19 the export of which is controlled pursuant
20 to the Convention on the Prohibition of the
21 Development, Production, Stockpiling and
22 Use of Chemical Weapons and on Their
23 Destruction;

24 (V) the Wassenaar Arrangement list
25 of Dual Use Goods and Technologies and

1 Munitions list of July 12, 1996, and subse-
2 quent revisions;

3 (VI) the United States Munitions List
4 under section 38 of the Arms Export Con-
5 trol Act (22 U.S.C. 2778) for which special
6 export controls are warranted under such
7 Act (22 U.S.C. 2751 3 et seq.); or

8 (VII) the Commerce Control List
9 maintained under part 774 of title 15,
10 Code of Federal Regulations; or

11 (B) goods, services, or technology not list-
12 ed on any list identified in subparagraph (A)
13 but which nevertheless would be, if they were
14 United States goods, services, or technology,
15 prohibited for export to Iran because of their
16 potential to make a material contribution to the
17 development of nuclear, biological, or chemical
18 weapons, or of ballistic or cruise missile sys-
19 tems.

20 (2) EXCLUSION.—The term “goods, services, or
21 technology” does not include goods, services, or tech-
22 nology that are directly related to the operation of
23 the Bushehr nuclear power reactor.

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