H. R. 893

To provide for the imposition of sanctions with respect to foreign persons who transfer to or acquire from Iran, North Korea, or Syria certain goods, services, or technology that contribute to the proliferation activities of Iran, North Korea, or Syria, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 28, 2013

Ms. Ros-Lehtinen (for herself and Mr. Sherman) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Oversight and Government Reform, the Judiciary, Science, Space, and Technology, Financial Services, and Transportation and Infrastructure, 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 imposition of sanctions with respect to foreign persons who transfer to or acquire from Iran, North Korea, or Syria certain goods, services, or technology that contribute to the proliferation activities of Iran, North Korea, or Syria, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Iran, North Korea, and Syria Nonproliferation Accountability Act of 2013”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Statement of policy.
Sec. 3. Imposition of sanctions against certain foreign persons.
Sec. 4. Determination exempting a foreign person from the imposition of certain sanctions.
Sec. 5. Restrictions on nuclear cooperation with countries aiding proliferation by Iran, North Korea, or Syria.
Sec. 6. Identification of countries that enable proliferation to or from Iran, North Korea, or Syria.
Sec. 7. Prohibition on United States assistance to countries assisting proliferation activities by Iran, North Korea, or Syria.
Sec. 8. Restriction on extraordinary payments in connection with the International Space Station.
Sec. 9. Exclusion from the United States of senior officials of foreign persons who have aided proliferation relating to Iran, North Korea, and Syria.
Sec. 10. Prohibition on certain vessels landing in the United States; enhanced inspections.
Sec. 11. Sanctions with respect to critical defense resources provided to or acquired from Iran, North Korea, or Syria.
Sec. 12. Multilateral actions against Iran, North Korea, or Syria.
Sec. 13. Repeal of waiver of sanctions relating to development of weapons of mass destruction or other military capabilities.
Sec. 15. Repeal of Iran, North Korea, and Syria Nonproliferation Act.
Sec. 16. Rule of construction.

SEC. 2. STATEMENT OF POLICY.

It shall be the policy of the United States to fully implement and enforce sanctions against any person, entity, or country that assists the proliferation activities or policies of Iran, North Korea, or Syria.
SEC. 3. IMPOSITION OF SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

(a) IN GENERAL.—Not later than 90 days after the day of the enactment of this Act, the President shall impose, for a period of not less than two years, the sanctions specified in subsection (c) with respect to a foreign person if the President determines and certifies to the appropriate congressional committees that the person—

(1)(A) on or after September 1, 2007, transferred to or acquired from Iran, North Korea, or Syria—

(i) goods, services, or technology listed on—

(I) the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/
254/Rev. 3/Part 2, and subsequent revisions);

(II) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions;

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

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

(V) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(ii) goods, services, or technology not listed on any list specified in clause (i) but which nevertheless would be, if such goods,
services, or technology were United States
goods, services, or technology, prohibited
for export to Iran, North Korea, or Syria,
as the case may be, because of the poten-
tial of such goods, services or technology to
contribute to the development of nuclear,
biological, or chemical weapons, or of bal-
listic or cruise missile systems or desta-
bilizing types and amounts of conventional
weapons; and

(B) with respect to the transfer of goods,
services, or technology, knew or should have
known that the transfer of goods, services, or
technology, to Iran, North Korea, or Syria, as
the case may be, would contribute to the ability
of Iran, North Korea, or Syria, as the case may
be, to—

(i) acquire or develop chemical, bio-
logical, or nuclear weapons or related tech-
nologies; or

(ii) acquire or develop advanced or de-
stabilizing types and numbers of conven-
tional weapons;
(2)(A) on or after September 1, 2007, trans-
ferred to another person goods, services, or tech-
nology described in paragraph (1)(A)(i) or (ii); and

(B) knew or should have known that the trans-
fer of goods, services, or technology to another per-
son would likely result in such other person export-
ing, transferring, transshipping, or otherwise pro-
viding the goods, services, technology to the Govern-
ment of Iran, North Korea, or Syria, or to a person
acting on behalf of or owned or controlled by, the
Government of Iran, North Korea, or Syria, as the
case may be;

(3) on or after September 1, 2007, acquired
materials mined or otherwise extracted within the
territory or control of Iran, North Korea, or Syria,
as the case may be, for purposes relating to the nu-
clear, biological, or chemical weapons, or ballistic or
cruise missile development programs of Iran, North
Korea, or Syria, as the case may be;

(4) on or after September 1, 2007, transferred
to Iran, Syria, or North Korea goods, services, or
technology that could assist efforts to extract or mill
uranium ore within the territory or control of Iran,
North Korea, or Syria, as the case may be;
(5) on or after September 1, 2007, provided de-
stabilizing types and amounts of conventional weap-
ons and technical assistance to the Government of
Iran, North Korea, or Syria, or to a person acting
on behalf of or owned or controlled by, the Govern-
ment of Iran, North Korea, or Syria, as the case
may be; or

(6) on or after August 10, 2010, provided a
vessel, insurance or reinsurance, or any other ship-
ing service for the transportation of goods to or
from Iran, North Korea, or Syria for purposes relat-
ing to the nuclear, biological, or chemical weapons,
or ballistic or cruise missile development programs
of Iran, North Korea, or Syria, as the case may be.

(b) JOINT VENTURES RELATING TO THE MINING,
PRODUCTION, OR TRANSPORTATION OF URANIUM.—

(1) IN GENERAL.—Not later than 90 days after
the date of the enactment of this Act, the President
shall impose, for a period of not less than two years,
the sanctions specified in subsection (c) with respect
to a foreign person if the President determines that
the person knowingly participated, on or after Au-
gust 10, 2012, in a joint venture that involves any
activity relating to the mining, production, or trans-
portation of uranium—
(A)(i) established on or after February 2, 2012; and

(ii) with—

(I) the Government of Iran, the Government of North Korea, or the Government of Syria;

(II) an entity incorporated and subject to the jurisdiction of the Government of Iran, in North Korea or subject to the jurisdiction of the Government of North Korea, or Syria or subject to the jurisdiction of the Government of Syria, as the case may be; or

(III) a person acting on behalf of or at the direction of, or owned or controlled by, the Government of Iran or an entity described in subclause (II) with respect to Iran, the Government of North Korea or an entity described in subclause (II) with respect to North Korea, or the Government of Syria or an entity described in subclause (II) with respect to Syria, as the case may be; or

(B)(i) established before February 2, 2012;
(ii) with the Government of Iran, an entity described in subclause (II) of subparagraph (A)(ii) with respect to Iran, or a person described in subclause (III) of that subparagraph with respect to Iran, the Government of North Korea, an entity described in subclause (II) of subparagraph (A)(ii) with respect to North Korea, or a person described in subclause (III) of that subparagraph with respect to North Korea, or the Government of Syria, an entity described in subclause (II) of subparagraph (A)(ii) with respect to Syria, or a person described in subclause (III) of that subparagraph with respect to Syria, as the case may be; and

(iii) through which—

(I) uranium is transferred directly to Iran, North Korea, or Syria, as the case may be, or indirectly to Iran, North Korea, or Syria, as the case may be, through a third country;

(II) the Government of Iran, the Government of North Korea, or the Government of Syria, as the case may be, receives significant revenue; or
(III) Iran, North Korea, or Syria, as the case may be, could, through a direct operational role or by other means, receive technological knowledge or equipment not previously available to such country that could contribute materially to the ability of such country to develop nuclear weapons or related technologies.

(2) APPLICABILITY OF SANCTIONS.—Paragraph (1) shall not apply with respect to participation in a joint venture established before August 10, 2012, if the person participating in the joint venture terminated, with respect to Iran, that participation not later than the date that is 180 days after such such date with respect to North Korea and Syria, terminates that participation not later than the date that is 90 days after the date of enactment of this Act.

(c) DESCRIPTION OF SANCTIONS.—The sanctions referred to in subsections (a) and (b) are the following:

(1) EXECUTIVE ORDER 12938 PROHIBITIONS.—

The measures specified in the first sentence of subsection (b) and subsections (c) and (d) of section 4 of Executive Order 12938 (50 U.S.C. 1701 note; relating to proliferation of weapons of mass destruction).
(2) **Arms Export Prohibition.**—Prohibition on United States Government sales to a person described in subsection (a) or subsection (b) of any item on the United States Munitions List and termination of sales to such person of any defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) **Dual Use Export Prohibition.**—Denial of licenses and suspension of existing licenses for the transfer to a foreign person described in subsection (a) or subsection (b) of items the export of which is controlled under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.), as in effect pursuant to the International Emergency Economic Powers Act, or the Export Administration Regulations.

(4) **Investment Prohibition.**—Prohibition on any investment by a United States person in property, including entities, owned or controlled by a foreign person described in subsection (a) or subsection (b).

(5) **Financing Prohibition.**—Prohibition on any approval, financing, or guarantee by a United States person, wherever located, of a transaction by
a foreign person described in subsection (a) or subsection (b).

(6) **FINANCIAL ASSISTANCE PROHIBITION.**—Denial by the United States Government of any credit, credit guarantees, grants, or other financial assistance by any agency of the United States Government to a foreign person described in subsection (a) or subsection (b).

(7) **BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.**—Prohibition on any United States person from investing in or purchasing significant amounts of equity or debt instruments of a foreign person described in subsection (a) or subsection (b).

(8) **EXCLUSION OF CORPORATE OFFICERS.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, a foreign person described in subsection (a) or subsection (b).

(9) **SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.**—The President shall impose on the principal executive officer or officers of a foreign person described in subsection (a) or subsection (b), or on
persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.

(d) Publication in Federal Register.—

(1) In general.—The Secretary of the Treasury shall publish in the Federal Register notice of the imposition against a foreign person of sanctions pursuant to subsection (a) or subsection (b).

(2) Content.—Each notice published in accordance with paragraph (1) shall include the name and address (where known) of each foreign person with respect to which sanctions have been imposed pursuant to subsection (a) of subsection (b).

SEC. 4. DETERMINATION EXEMPTING A FOREIGN PERSON FROM THE IMPOSITION OF CERTAIN SANCTIONS.

(a) In general.—The imposition of any sanction described in section 3(c) to a foreign person described in subsection (a) or (b) of section 3 shall cease to be effective beginning 30 days after the date on which the President determines and certifies to the appropriate congressional committees that—

(1) in the case of a transfer or acquisition of goods, services, or technology described in section 3(a)(1)—
(A) such person did not, on or after September 1, 2007, knowingly transfer to or acquire from Iran, North Korea, or Syria, as the case may be, such goods, services, or technology the apparent transfer of which caused such person to be subject to sanctions under section 3;

(B) such transfer did not contribute to the efforts of Iran, North Korea, or Syria, as the case may be, to develop—

(i) nuclear, biological, or chemical weapons, or ballistic or cruise missile systems, or weapons listed on the Wassenaar Arrangement Munitions List of July 12, 1996, or any subsequent revision of such List; or

(ii) destabilizing types or amounts of conventional weapons or acquire technical assistance;

(C) such person is subject to the primary jurisdiction of a government that is an adherent to one or more relevant nonproliferation regimes or that has a sanctions regime under its governing foreign law concerning Iran, North Korea, or Syria, and such transfer was made in accordance with the guidelines and parameters
of all such relevant nonproliferation or sanctions regimes; or

(D) the government with primary jurisdiction over such person has imposed meaningful penalties on such person on account of the transfer of such goods, services, or technology that caused such person to be subject to sanctions under section 3;

(2) in the case of an acquisition of materials mined or otherwise extracted within the territory of Iran, North Korea, or Syria, as the case may be, described in section 3(a)(2) for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be, such person did not acquire such materials; or

(3) in the case of the provision of a vessel, insurance or reinsurance, or another shipping service for the transportation of goods to or from Iran, North Korea, or Syria, as the case may be, described in section 3(a)(3) for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be, such person did not provide such a vessel or service.
(b) Opportunity To Provide Information.—

Congress urges the President—

(1) in every appropriate case, to contact in a timely fashion each person described in subsection (a) or (b) of section 3, or the government with primary jurisdiction over such person, in order to afford such person, or such government, the opportunity to provide explanatory, exculpatory, or other additional information with respect to the transfer that caused such person to be subject to sanctions under section 3; and

(2) to exercise the authority described in subsection (a) in all cases in which information obtained from each person described in subsection (a) or (b) of section 3, or from the government with primary jurisdiction over such person, establishes that the exercise of such authority is warranted.

(c) Form of Transmission.—

(1) In general.—Except as provided in paragraph (2), the determination and report of the President under subsection (a) shall be transmitted in unclassified form.

(2) Exception.—The determination and report of the President under subsection (a) may be transmitted in classified form if the President certifies to
the appropriate congressional committees that it is
vital to the national security interests of the United
States to do so.

SEC. 5. RESTRICTIONS ON NUCLEAR COOPERATION WITH
COUNTRIES AIDING PROLIFERATION BY
IRAN, NORTH KOREA, OR SYRIA.

(a) IN GENERAL.—

(1) RESTRICTIONS.—Notwithstanding any other
provision of law, on or after the date of the enact-
ment of this Act—

(A) no agreement for cooperation between
the United States and the government of any
country that is assisting the nuclear program of
Iran, North Korea, or Syria, or transferring ad-
vanced conventional weapons or missiles to
Iran, North Korea, or Syria may be submitted
to the President or to Congress pursuant to
section 123 of the Atomic Energy Act of 1954
(42 U.S.C. 2153),

(B) no such agreement may enter into
force with respect to such country,

(C) no license may be issued for export di-
rectly or indirectly to such country of any nu-
clear material, facilities, components, or other
goods, services, or technology that would be subject to such agreement, and

(D) no approval may be given for the transfer or retransfer directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, until the President makes the determination and report under paragraph (2).

(2) determination and report.—The determination and report referred to in paragraph (1) are a determination and report by the President, submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(A) Iran, North Korea, or Syria, as the case may, has ceased its efforts to design, develop, or acquire a nuclear explosive device or related materials or technology; or

(B) the government of the country that is assisting the nuclear programs of Iran, North Korea, or Syria, as the case may be, or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria, as the case may be—
(i) has suspended all nuclear assistance to Iran, North Korea, or Syria, as the case may be, and all transfers of advanced conventional weapons and missiles to Iran, North Korea, or Syria, as the case may be; and

(ii) is committed to maintaining that suspension until Iran, North Korea, or Syria, as the case may be, has implemented measures that would permit the President to make the determination described in subparagraph (A).

(b) RULES OF CONSTRUCTION.—The restrictions described in subsection (a)(1)—

(1) shall apply in addition to all other applicable procedures, requirements, and restrictions described in the Atomic Energy Act of 1954 and other applicable Acts;

(2) shall not be construed as affecting the validity of an agreement for cooperation between the United States and the government of a country that is in effect on the date of the enactment of this Act; and

(3) shall not be construed as applying to assistance for the Bushehr nuclear reactor, unless such
assistance is determined by the President to be contributing to the efforts of Iran to develop nuclear weapons.

(c) DEFINITIONS.—In this section:

(1) AGREEMENT FOR COOPERATION.—The term “agreement for cooperation” has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.).

(2) ASSISTING THE NUCLEAR PROGRAM OF IRAN, NORTH KOREA, OR SYRIA.—The term “assisting the nuclear program of Iran, North Korea, or Syria” means the intentional transfer to Iran, North Korea, or Syria by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions), or the Nuclear Suppliers Group Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic En-
ergy Agency as Information Circular INFCIR/254/Rev. 3/Part 2, and subsequent revisions).

(3) **COUNTRY THAT IS ASSISTING THE NUCLEAR PROGRAM OF IRAN, NORTH KOREA, OR SYRIA OR TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR SYRIA.**—The term “country that is assisting the nuclear program of Iran, North Korea, or Syria or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria” means any country determined by the President to be assisting the nuclear program of Iran, North Korea, or Syria or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria.

(4) **TRANSFER.**—The term “transfer” means the conveyance of technological or intellectual property, or the conversion of intellectual or technological advances into marketable goods, services, or articles of value, developed and generated in one place, to another through illegal or illicit means to a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 40(d)
of the Arms Export Control Act (22 U.S.C. 2780(d)), and section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), is a government that has repeatedly provided support for acts of international terrorism.

(5) TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR SYRIA.—The term “transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria” means the intentional transfer to Iran, North Korea, or Syria by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on—

(A) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Muni-

tions list of July 12, 1996, and subsequent revisions; or

(B) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions.
SEC. 6. IDENTIFICATION OF COUNTRIES THAT ENABLE PROLIFERATION TO OR FROM IRAN, NORTH KOREA, OR SYRIA.

(a) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter, the President shall transmit to the appropriate congressional committees and make available to the public a report that identifies each person subject to sanctions under section 3 and each foreign country that allows one or more persons under the jurisdiction of such country to engage in activities that are sanctionable under section 3 despite requests by the United States Government to the government of such country to prevent such activities.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary to protect United States national security interests.

SEC. 7. PROHIBITION ON UNITED STATES ASSISTANCE TO COUNTRIES ASSISTING PROLIFERATION ACTIVITIES BY IRAN, NORTH KOREA, OR SYRIA.

(a) IN GENERAL.—The President shall prohibit assistance (other than humanitarian assistance) under the Foreign Assistance Act of 1961 and shall not issue export licenses for defense articles or defense services under the Arms Export Control Act to—
(1) a foreign country the government of which
the President has received credible information is as-
sisting Iran, North Korea, or Syria in the acquisi-
tion, development, or proliferation of weapons of
mass destruction or ballistic missiles; or

(2) a foreign country identified in the most-re-
cent report transmitted to the appropriate congres-
sional committees under section 6(a).

(b) RESUMPTION OF ASSISTANCE.—The President is
authorized to provide assistance described in subsection
(a) to a foreign country subject to the prohibition in sub-
section (a) if the President determines and notifies the ap-
propriate congressional committees that there is credible
information that the government of the country is no
longer assisting Iran, North Korea, or Syria in the acqui-
sition, development, or proliferation of weapons of mass
destruction or ballistic missiles and has taken appropriate
steps to correct the behavior that resulted in it being in-
cluded in the report in section 6(A).

(c) DEFINITION.—In this section, the term “assist-
ing” means providing material or financial support of any
kind, including purchasing of material, technology or
equipment from Iran, North Korea, or Syria.
SEC. 8. RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.

(a) Restriction.—

(1) In general.—Notwithstanding any other provision of law, no agency of the United States Government may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any other organization, entity, or element of the Government of the Russian Federation, unless, during the fiscal year in which such extraordinary payments are to be made, the President has made the determination described in subsection (b), and reported such determination to the Committee on Foreign Affairs and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate.

(2) Waiver.—If the President is unable to make the determination described in subsection (b) with respect to a fiscal year in which extraordinary payments in connection with the International Space
Station are to be made, the President is authorized
to waive the application of paragraph (1) on a case-
by-case basis with respect to the fiscal year if not
less than 15 days prior to the date on which the
waiver is to take effect the President submits to the
appropriate congressional committees a report that
contains—

(A) the reasons why the determination de-
scribed in subsection (b) cannot be made;

(B) the amount of the extraordinary pay-
ment to be made under the waiver;

(C) the steps being undertaken by the
United States to ensure compliance by the Rus-
sian Federation with the conditions described in
subsection (b); and

(D) a determination of the President that
the waiver is vital to the national interests of
the United States.

(b) DETERMINATION REGARDING RUSSIAN CO-
OPERATION IN PREVENTING PROLIFERATION RELATING
TO IRAN, NORTH KOREA, AND SYRIA.—The determina-
tion referred to in subsection (a) is a determination by
the President that—

(1) it is the policy of the Government of the
Russian Federation (including the law enforcement,
export promotion, export control, and intelligence agencies of such Government) to oppose the prolifera-
tion to or from Iran, North Korea, and Syria of weapons of mass destruction and missile systems capable of delivering such weapons;

(2) 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 or from Iran, North Korea, and Syria of goods, services, and technology that could make a contribute to the nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems development programs of Iran; and

(3) neither the Russian Aviation and Space Agency, nor any organization or entity under the jurisdic-
tion or control of the Russian Aviation and Space Agency, has, during the one-year period ending on the date of the determination under this sub-section made transfers to or from Iran, North Korea, or Syria subject to sanctions under section 3(a) (other than transfers with respect to which a determination pursuant to section 5 has been or will be made).
(c) Prior Notification.—Not less than five days before making a determination under this section, the President shall notify the Committee on Foreign Affairs and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate of the President’s intention to make such a determination.

(d) Written Justification.—A determination of the President under this section shall include a written justification describing in detail the facts and circumstances supporting the President’s conclusion.

(e) Transmission in Classified Form.—If the President considers it appropriate, a determination of the President under this section, a prior notification under subsection (c), and a written justification under subsection (d), or appropriate parts thereof, may be transmitted in classified form.

(f) Exception for Crew Safety.—

(1) Exception.—The National Aeronautics and Space Administration may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency or any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agen-
cy, or any subcontractor thereof, that would otherwise be prohibited under this section if the President notifies Congress in writing that such payments are necessary to prevent the imminent loss of life of or grievous injury to individuals aboard the International Space Station.

(2) REPORT.—Not later than 30 days after notifying Congress that the National Aeronautics and Space Administration will make extraordinary payments under paragraph (1), the President shall transmit to Congress a report describing—

(A) the extent to which the provisions of subsection (b) had been met as of the date of notification; and

(B) the measures that the National Aeronautics and Space Administration is taking to ensure that—

(i) the conditions posing a threat of imminent loss of life of or grievous injury to individuals aboard the International Space Station necessitating the extraordinary payments are not repeated; and

(ii) it is no longer necessary to make extraordinary payments in order to prevent imminent loss of life of or grievous injury
to individuals aboard the International Space Station.

(g) **SERVICE MODULE EXCEPTION.**—

(1) **IN GENERAL.**—The National Aeronautics and Space Administration may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any subcontractor thereof, that would otherwise be prohibited under this section for the construction, testing, preparation, delivery, launch, or maintenance of the Service Module, and for the purchase (at a total cost not to exceed $14,000,000) of the pressure dome for the Interim Control Module and the Androgynous Peripheral Docking Adapter and related hardware for the United States propulsion module, if—

(A) the President has notified Congress at least five days before making such payments;

(B) the entity is not subject to sanctions under section 3(a) with respect to an activity of the entity to receive such payment, and the President has no credible information of any activity that would require such a report; and
(C) the United States will receive goods or services of value to the United States commensurate with the value of the extraordinary payments made.

(2) DEFINITION.—For purposes of this subsection, the term “maintenance” means activities that cannot be performed by the National Aeronautics and Space Administration and which must be performed in order for the Service Module to provide environmental control, life support, and orbital maintenance functions which cannot be performed by an alternative means at the time of payment.

(3) TERMINATION.—This subsection shall cease to be effective on the date that is 60 days after the date on which a United States propulsion module is in place at the International Space Station.

(h) EXCEPTION.—No agency of the United States Government may make extraordinary payments in connection with the International Space Station, or any other payments in connection with the International Space Station, to any foreign person subject to measures applied pursuant to section 4 of Executive Order 12938 (November 14, 1994), as amended by Executive Order 13094 (July 28, 1998).
(i) Report on Certain Payments Related to International Space Station.—

(1) In general.—The President shall transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that identifies each Russian entity or person to whom the United States Government has, since November 22, 2005, made a payment in cash or in kind for work to be performed or services to be rendered under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

(2) Content.—Each report transmitted under paragraph (1) shall include—

(A) the specific purpose of each payment made to each entity or person identified in such report; and

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

SEC. 9. EXCLUSION FROM THE UNITED STATES OF SENIOR
OFFICIALS OF FOREIGN PERSONS WHO HAVE
AIDED PROLIFERATION RELATING TO IRAN,
NORTH KOREA, AND SYRIA.

Except as provided in subsection (b), the Secretary
of State shall deny a visa to, and the Secretary of Home-
land Security shall exclude from the United States, any
alien whom the Secretary of State determines is an alien
who, on or after the date of the enactment of this Act,
is a—

(1) corporate officer, principal, or shareholder
with a controlling interest of a foreign person sub-
ject to sanctions under section 3(a);

(2) corporate officer, principal, or shareholder
with a controlling interest of a successor entity to,
or a parent or subsidiary of, a foreign person identified in such a report;

(3) corporate officer, principal, or shareholder with a controlling interest of an affiliate of a foreign person identified in such a report, if such affiliate engaged in the activities referred to in such report, and if such affiliate is controlled in fact by the foreign person identified in such report; or

(4) spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

SEC. 10. PROHIBITION ON CERTAIN VESSELS LANDING IN THE UNITED STATES; ENHANCED INSPECTIONS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 16. PROHIBITION ON CERTAIN VESSELS LANDING IN THE UNITED STATES; ENHANCED INSPECTIONS.

“(a) Certification Requirement.—

“(1) In general.—Beginning on the date of enactment of the Iran, North Korea, and Syria Non-proliferation Accountability Act of 2013, before a vessel arrives at a port in the United States, the owner, charterer, operator, or master of the vessel
shall certify that the vessel did not enter a port in Iran, North Korea, or Syria during the 180-day period ending on the date of arrival of the vessel at the port in the United States.

“(2) FALSE CERTIFICATIONS.—The Secretary shall prohibit from landing at a port in the United States for a period of at least 2 years—

“(A) any vessel for which a false certification was made under section (a); and

“(B) any other vessel owned or operated by a parent corporation, partnership, association, or individual proprietorship of the vessel for which the false certification was made.

“(b) ENHANCED INSPECTIONS.—The Secretary shall—

“(1) identify foreign ports at which vessels have landed during the preceding 12-month period that have also landed at ports in Iran, North Korea, or Syria during that period; and

“(2) inspect vessels arriving in the United States from foreign ports identified under paragraph (1) to establish whether the vessel was involved, during the 12-month period ending on the date of arrival of the vessel at the port in the United States, in any activity that would be subject to sanctions
SEC. 11. SANCTIONS WITH RESPECT TO CRITICAL DEFENSE RESOURCES PROVIDED TO OR ACQUIRED FROM IRAN, NORTH KOREA, OR SYRIA.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) to any person the President determines is, on or after the date of the enactment of this Act, providing to, or acquiring from, Iran, North Korea, or Syria any goods, services, or technology the person knows, or should know, is used, or is likely to be used, for military application.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are, with respect to a person described in subsection (a), the following:

(1) FOREIGN EXCHANGE.—Prohibiting any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which that person has any interest.

(2) BANKING TRANSACTIONS.—Prohibiting any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of that person.
(3) Property transactions.—Prohibiting any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the person described in subsection (a) has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(4) Loan guarantees.—Prohibiting the head of any Federal agency from providing a loan guarantee to that person.

(5) Additional sanctions.—Additional sanctions, as appropriate, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(c) Restrictions on export licenses for nuclear cooperation and certain loan guarantees.—Before issuing a license for the exportation of any article pursuant to an agreement for cooperation under section 123 of the Atomic Energy Act of 1954 (42 U.S.C.
2153) or approving a loan guarantee or any other assistance provided by the United States Government with respect to a nuclear energy project, the Secretary of Energy, the Secretary of Commerce, and the Nuclear Regulatory Commission shall certify to Congress that issuing the license or approving the loan guarantee or other assistance (as the case may be) will not permit the transfer of any good or technology described in subsection (a) to Iran, North Korea, or Syria.

(d) Exception.—The sanctions described in subsection (b) shall not apply to the repayment or other satisfaction of a loan or other obligation incurred under a program of the Export-Import Bank of the United States, as in effect as of the date of the enactment of this Act.

SEC. 12. MULTILATERAL ACTIONS AGAINST IRAN, NORTH KOREA, OR SYRIA.

(a) Prohibition on United States Assistance to the International Atomic Energy Agency.—

(1) Prohibition.—No funds from any United States assessed or voluntary contribution to the International Atomic Energy Agency (IAEA) may be used to support any assistance provided by the IAEA through its Technical Cooperation Program to Iran, North Korea, or Syria.
(2) Waiver.—The provisions of paragraph (1) may be waived if—

(A) the IAEA has suspended all assistance provided through its Technical Cooperation Program to Iran, North Korea, and Syria; and

(B) the President certifies that Iran, North Korea, and Syria—

(i) no longer pose a threat to the national security, interests, and allies of the United States; and

(ii) are no longer in violation of their international nonproliferation obligations and United Nations Security Council resolutions.

(3) United States actions at IAEA.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to block the allocation of funds for any assistance provided by the IAEA through its Technical Cooperation Program to Iran, North Korea, or Syria.

(b) Declaration of Policy Relating to Nuclear Nonproliferation Treaty.—

(1) Findings.—Congress finds the following:
(A) The Governments of Iran, North Korea, and Syria are in clear violation of international nonproliferation agreements and United Nations Security Council resolutions.

(B) The pursuit by the Governments of Iran, North Korea, and Syria of covert nuclear activities and their refusal to cooperate with the International Atomic Energy Agency in its past and current investigations into their nuclear programs are further evidence of their disregard for their nonproliferation obligations.

(C) The Governments of Iran, North Korea, and Syria are not in good standing with respect to their nonproliferation obligations.

(D) The actions of the Governments of Iran, North Korea, and Syria have demonstrated their respective nuclear programs are not for peaceful use.

(2) DECLARATION OF POLICY.—Congress declares that the Governments of Iran, North Korea, and Syria have forfeited all privileges under the Treaty on the Nonproliferation of Nuclear Weapons, including access to nuclear equipment, materials, and information.
(3) Denial of NPT privileges to Iran, North Korea, and Syria.—The United States Permanent Representative to the United Nations and the United States Permanent Representative to the International Atomic Energy Agency shall use the voice, vote, and influence of the United States to secure adoption of a resolution at the United Nations Security Council and at the IAEA declaring that Iran, North Korea, and Syria have forfeited all privileges under the Treaty on the Nonproliferation of Nuclear Weapons.

(c) Report.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the implementation of this section.

SEC. 13. REPEAL OF WAIVER OF SANCTIONS RELATING TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.

Section 9(c)(1) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (B); and
(3) in subparagraph (B) (as redesignated by paragraph (2) of this section)—

(A) by striking “or (B)” each place it appears; and

(B) by striking “, as applicable”.

SEC. 14. DEFINITIONS.

In this Act:

(1) Adherent to relevant nonproliferation regime.—A government is an “adherent” to a “relevant nonproliferation regime” if such government—

(A) is a member of the Nuclear Suppliers Group with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(i);

(B) is a member of the Missile Technology Control Regime with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(ii), or is a party to a binding international agreement with the United States that was in effect on January 1, 1999, to control the transfer of such goods, services, or technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime;
(C) is a member of the Australia Group with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(iii);

(D) is a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(iv); or

(E) is a member of the Wassenaar Arrangement with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(v).

(2) Appropriate Congressional Committees.—The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) Extraordinary Payments in Connection with the International Space Station.—The term “extraordinary payments in connection with the International Space Station” means payments in cash or in kind made or to be made by the United States Government—
(A) for work on the International Space Station which the Government of the Russian Federation pledged at any time to provide at its expense, or

(B) for work on the International Space Station not required to be made under the terms of a contract or other agreement that was in effect on January 1, 1999, as such terms were in effect on such date, except that such term does not mean payments in cash or in kind made or to be made by the United States Government before December 31, 2020, for work to be performed or services to be rendered before such date necessary to meet United States obligations under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

(4) FOREIGN PERSON.—The term “foreign person” means—

(A) a natural person who is an alien;

(B) a corporation, business association, partnership, society, trust, or any other non-
governmental entity, organization, or group, successor, subunit, or subsidiary organized under the laws of a foreign country or that has its principal place of business in a foreign country; and

(C)(i) any foreign government; or

(ii) any foreign government agency or entity.

(5) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person knew, or should have known, of the conduct, the circumstance, or the result of such conduct, circumstance, or result.

(6) ORGANIZATION OR ENTITY UNDER THE JURISDICTION OR CONTROL OF THE RUSSIAN AVIATION AND SPACE AGENCY.—

(A) DEFINITION.—The term “organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency” means an organization or entity that—

(i) was made part of the Russian Space Agency upon its establishment on February 25, 1992;

(ii) was transferred to the Russian Space Agency by decree of the Government
of the Russian Federation on July 25, 1994, or May 12, 1998;

(iii) was or is transferred to the Russian Aviation and Space Agency or Russian Space Agency by decree of the Government of the Russian Federation at any other time before, on, or after March 14, 2000; or

(iv) is a joint stock company in which the Russian Aviation and Space Agency or Russian Space Agency has at any time held controlling interest.

(B) EXTENSION.—Any organization or entity described in subparagraph (A) shall be deemed to be under the jurisdiction or control of the Russian Aviation and Space Agency regardless of whether—

(i) such organization or entity, after being part of or transferred to the Russian Aviation and Space Agency or Russian Space Agency, is removed from or transferred out of the Russian Aviation and Space Agency or Russian Space Agency; or

(ii) the Russian Aviation and Space Agency or Russian Space Agency, after
holding a controlling interest in such organization or entity, divests its controlling interest.

(7) SUBSIDIARY.—The term “subsidiary” means an entity (including a partnership, association, trust, joint venture, corporation, or other organization) of a parent company that controls, directly or indirectly, the other entity.

(8) TRANSFER OR TRANSFERRED.—The term “transfer” or “transferred”, with respect to a good, service, or technology, includes—

(A) the conveyance of technological or intellectual property; and

(B) the conversion of technological or intellectual advances into marketable goods, services, or technology of value that is developed and generated in one location and transferred to another location through illegal or illicit means.

(9) UNITED STATES PERSON.—The term “United States person” means—

(A) a natural person who is a citizen or resident of the United States; or
(B) an entity that is organized under the
laws of the United States or any State or terri-
tory thereof.

(10) VESSEL.—The term “vessel” has the
meaning given such term in section 1081 of title 18,
United States Code. Such term also includes air-
craft, regardless of whether or not the type of air-
craft at issue is described in such section.

(11) TECHNICAL ASSISTANCE.—The term
“technical assistance” means providing of advice, as-
sistance, and training pertaining to the installation,
operation, and maintenance of equipment for desta-
bilizing types and forms of conventional weapons.

SEC. 15. REPEAL OF IRAN, NORTH KOREA, AND SYRIA NON-
PROLIFERATION ACT.

(a) REPEAL.—The Iran, North Korea, and Syria
Nonproliferation Act (50 U.S.C. 1701 note) is repealed.

(b) REFERENCES.—Any reference in a law, regula-
tion, document, or other record of the United States to
the Iran, North Korea, and Syria Nonproliferation Act
shall be deemed to be a reference to this Act.

SEC. 16. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this
Act—
(1) shall be construed to limit the authority of the President to impose additional sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), relevant Executive orders, and other provisions of law; or

(2) shall apply to the authorized intelligence activities of the United States.