

108TH CONGRESS  
2D SESSION

# H. R. 5411

To amend the the Atomic Energy Act of 1954 to restrict exports of nuclear related materials and equipment.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2004

Mr. MARKEY introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To amend the the Atomic Energy Act of 1954 to restrict exports of nuclear related materials and equipment.

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 Nuclear Prolifera-  
5 tion Prevention Act”.

6 **SEC. 2. PROHIBITION ON NUCLEAR TRADE WITH IRAN.**

7 (a) IN GENERAL.—Chapter 11 of the Atomic Energy  
8 Act of 1954 is amended by adding at the end the following  
9 new section:

1 **“SEC. 135. PROHIBITION ON NUCLEAR TRADE WITH IRAN’S**  
2 **NUCLEAR SUPPLIERS.**

3 “(a) PROHIBITIONS.—Notwithstanding any other  
4 provision of this Act, any international arrangement or  
5 any agreement for cooperation made pursuant to this Act,  
6 or any other provision of law, no license, approval, or au-  
7 thorization for the export or reexport, or transfer, or re-  
8 transfer, whether directly or indirectly, of any—

9 “(1) special nuclear material,

10 “(2) source material,

11 “(3) byproduct material,

12 “(4) production facility,

13 “(5) utilization facility,

14 “(6) items or components which are designed or  
15 intended to be used in a production or utilization fa-  
16 cility, or with respect to which there is a risk of di-  
17 version for use in such a facility,

18 “(7) items or components which are designed or  
19 intended for use in the construction of a production  
20 or utilization facility,

21 “(8) items and assistance requiring any author-  
22 ization, licensing, or other approval pursuant to this  
23 Act, or

24 “(9) any nuclear-related items on the Com-  
25 merce Control List maintained under part 774 of

1 title 15, Code of Federal Regulations (or any suc-  
2 cessor to such list),  
3 may be made to any country that the President determines  
4 has, since January 1, 2004, provided to the Islamic Re-  
5 public of Iran any special nuclear material, source mate-  
6 rial, byproduct material, production facility, utilization fa-  
7 cility, or items, components, or technologies which are or  
8 can be used in a production or utilization facility or in  
9 (or to develop, test, or manufacture) a nuclear explosive  
10 device.

11 “(b) EXCEPTIONS.—Subsection (a) shall not apply to  
12 exports, reexports, transfers, or retransfers of radiation  
13 monitoring technologies, surveillance equipment, seals,  
14 cameras, tamper-indication devices, nuclear detectors,  
15 monitoring systems, or equipment necessary to safely  
16 store, transport, or remove hazardous materials, whether  
17 such items, services, or information are regulated by the  
18 Department of Energy, the Department of Commerce, or  
19 the Nuclear Regulatory Commission, except to the extent  
20 that such technologies, equipment, seals, cameras, devices,  
21 detectors, or systems are available for use in the design  
22 or construction of nuclear reactors or nuclear weapons.

23 “(c) WAIVERS.—The President may waive the appli-  
24 cation of subsection (a) to a country if the President deter-  
25 mines and certifies to the Congress that the waiver will

1 not result in any increased risk that the Islamic Republic  
2 of Iran will acquire nuclear weapons, nuclear reactors, or  
3 any materials or components of nuclear weapons and  
4 that—

5           “(1) the government of such country has not,  
6       within the preceding 12-month period, provided any  
7       material support to the Islamic Republic of Iran in  
8       acquiring nuclear materials, nuclear reactors, or any  
9       technology or component which is or could be used  
10      to manufacture a nuclear explosive device;

11           “(2) in the judgment of the President, the gov-  
12      ernment of such country has provided adequate,  
13      verifiable assurances that it will cease all further ex-  
14      ports or transfers of nuclear-weapons-usable tech-  
15      nology or material, and has put in place and en-  
16      forced effective export controls on transfers or ex-  
17      ports of such technology or material by nongovern-  
18      mental entities;

19           “(3) the waiver is in the vital national security  
20      interest of the United States; or

21           “(4) the waiver is essential to prevent or re-  
22      spond to a serious radiological hazard in the country  
23      receiving the waiver that may or does threaten pub-  
24      lic health and safety.

1       “(d) COOPERATIVE THREAT REDUCTION PRO-  
 2 GRAMS.—This section shall not apply to any license, ap-  
 3 proval, or authorization which the President determines  
 4 is necessary to implement Cooperative Threat Reduction  
 5 Programs. For purposes of this subsection, Cooperative  
 6 Threat Reduction Programs are the programs specified in  
 7 section 1501(b) of the National Defense Authorization Act  
 8 for Fiscal Year 1997 (Public Law 104–201; 110 Stat.  
 9 2731; 50 U.S.C. 2362 note).

10       “(e) APPLICATION.—This section shall apply with re-  
 11 spect to any license, approval, or authorization described  
 12 in subsection (a) which is made, or required to be made,  
 13 on or after the date of the enactment of this section.”.

14       (b) CONFORMING AMENDMENT.—The table of con-  
 15 tents of the Atomic Energy Act of 1954 is amended by  
 16 inserting after the item relating to section 134 the fol-  
 17 lowing new item:

“Sec. 135. Prohibition on nuclear trade with Iran’s nuclear suppliers.”.

18 **SEC. 3. REPORT TO CONGRESS.**

19       Not later than 6 months after the date of the enact-  
 20 ment of this Act, the President shall submit a report to  
 21 the Congress containing the following information:

22               (1) A complete list of missile and nuclear mate-  
 23               rials and technology provided to Iran by any entity  
 24               in the People’s Republic of China, including the Chi-

1 nese Government, or by the government of, or any  
2 other entity in, any other country.

3 (2) An estimate and assessment of the current  
4 status of efforts by Iran to acquire nuclear explo-  
5 sives and their delivery vehicles.

6 (3) An assessment of the extent to which the  
7 agreement recently reached between the Islamic Re-  
8 public of Iran and the governments of Great Britain,  
9 France, and Germany could effectively limit further  
10 efforts by Iran to acquire nuclear explosives.

11 (4) An evaluation of the basis for and credi-  
12 bility of claims recently set forth by an Iranian re-  
13 sistance group that Iran may be enriching uranium  
14 at a secret facility unknown to United Nations weap-  
15 ons inspectors.

16 (5) Whether the United States has provided  
17 United Nations and International Atomic Energy  
18 Agency (IAEA) weapons inspectors with full access  
19 to the intelligence that forms the basis for any con-  
20 clusion that Iran is actively pursuing a nuclear  
21 weapons program.

22 (6) The steps the United States is taking to en-  
23 sure that the United Nations and IAEA inspectors  
24 receive full access to all suspected Iranian nuclear  
25 sites and that the United States works together with

1       the international community to ensure that Iran pro-  
2       vides such inspectors with full cooperation in their  
3       efforts to verify that Iran has complied with its obli-  
4       gations under the Treaty on the Non-Proliferation of  
5       Nuclear Weapons and the agreement referred to in  
6       paragraph (3).

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