

PUBLIC LAW 109–112—NOV. 22, 2005

IRAN NONPROLIFERATION AMENDMENTS
ACT OF 2005

Public Law 109–112
109th Congress

An Act

Nov. 22, 2005
[S. 1713]

To make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments, and for other purposes.

Iran
Nonproliferation
Amendments Act
of 2005.
Russian
Federation.
50 USC 1701
note.

Lowell E. Jacoby.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Iran Nonproliferation Amendments Act of 2005”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Director of Central Intelligence’s most recent Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, states “Russian entities during the reporting period continued to supply a variety of ballistic missile-related goods and technical know-how to countries such as Iran, India, and China. Iran’s earlier success in gaining technology and materials from Russian entities helped accelerate Iranian development of the Shahab-3 MRBM, and continuing Russian entity assistance has supported Iranian efforts to develop new missiles and increase Tehran’s self-sufficiency in missile production.”

(2) Vice Admiral Lowell E. Jacoby, the Director of the Defense Intelligence Agency, stated in testimony before the Select Committee on Intelligence of the Senate on February 16, 2005, that “Tehran probably will have the ability to produce nuclear weapons early in the next decade”.

(3) Iran has—

(A) failed to act in accordance with the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the “Safeguards Agreement”);

(B) acted in a manner inconsistent with the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards, signed at Vienna December 18, 2003 (commonly referred to as the “Additional Protocol”);

(C) acted in a manner inconsistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July

1, 1968, and entered into force March 5, 1970 (commonly referred to as the “Nuclear Non-Proliferation Treaty”); and

(D) resumed uranium conversion activities, thus ending the confidence building measures it adopted in its November 2003 agreement with the foreign ministers of the United Kingdom, France, and Germany.

(4) On September 24, 2005, the Board of Governors of the International Atomic Energy Agency (IAEA) formally declared that Iranian actions constituted noncompliance with its nuclear safeguards obligations, and that Iran’s history of concealment of its nuclear activities has given rise to questions that are within the purview of the United Nations Security Council.

(5) The executive branch has on multiple occasions used the authority provided under section 3 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) to impose sanctions on entities that have engaged in activities in violation of restrictions in the Act relating to—

(A) the export of equipment and technology controlled under multilateral export control lists, including under the Australia Group, Chemical Weapons Convention, Missile Technology Control Regime, Nuclear Suppliers Group, and the Wassenaar Arrangement or otherwise having the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems to Iran; and

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

(6) The executive branch has never made a determination pursuant to section 6(b) of the Iran Nonproliferation Act of 2000 that—

(A) it is the policy of the Government of the Russian Federation to oppose the proliferation 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.

(7) 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 Industries Organization, Shahid Hemmat Industrial Group,

George W. Bush.

Shahid Bakeri Industrial Group, and the Atomic Energy Organization of Iran, that have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including efforts to manufacture, acquire, possess, develop, transport, transfer, or use such items.

SEC. 3. AMENDMENTS TO IRAN NONPROLIFERATION ACT OF 2000 RELATED TO INTERNATIONAL SPACE STATION PAYMENTS.

(a) TREATMENT OF CERTAIN PAYMENTS.—Section 7(1)(B) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) by striking the period at the end and inserting a comma; and

(2) by adding at the end the following:

“except that such term does not mean payments in cash or in kind made or to be made by the United States Government prior to January 1, 2012, for work to be performed or services to be rendered prior to that 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.”

(b) EXCEPTION.—Section 6(h) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by inserting after “extraordinary payments in connection with the International Space Station” the following: “, or any other payments in connection with the International Space Station.”

(c) REPORTING REQUIREMENTS.—Section 6 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

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

“(1) IN GENERAL.—The President shall, together with each report submitted under section 2(a), submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that identifies each Russian entity or person to whom the United States Government has, since the date of the enactment of the Iran Nonproliferation Amendments Act of 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 submitted under paragraph (1) shall include—

“(A) the specific purpose of each payment made to each entity or person identified in the 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

President.

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 Administration 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. 4. AMENDMENTS TO THE IRAN NONPROLIFERATION ACT OF 2000
TO MAKE SUCH ACT APPLICABLE TO IRAN AND SYRIA.**

(a) **REPORTS ON PROLIFERATION RELATING TO IRAN OR SYRIA.**—Section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking “**TO IRAN**” and inserting “**RELATING TO IRAN AND SYRIA**”; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “or acquired from” after “transferred to”; and

(ii) by inserting after “Iran” the following: “, or on or after January 1, 2005, transferred to or acquired from Syria”; and

(B) in paragraph (2), by inserting after “Iran” the following: “or Syria, as the case may be.”.

(b) **DETERMINATION EXEMPTING FOREIGN PERSONS FROM CERTAIN MEASURES.**—Section 5(a) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in paragraph (1), by striking “transfer to Iran” and inserting “transfer to or acquire from Iran or Syria, as the case may be.”; and

(2) in paragraph (2), by striking “Iran’s efforts” and inserting “the efforts of Iran or Syria, as the case may be.”.

(c) **RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.**—Section 6(b) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking “**TO IRAN**” and inserting “**RELATING TO IRAN AND SYRIA**”;

(2) in paragraphs (1) and (2), by striking “to Iran” each place it appears and inserting “to or from Iran and Syria”; and

(3) in paragraph (3), by striking “to Iran” and inserting “to or from Iran or Syria”.

(d) **DEFINITIONS.**—Section 7(2) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in subparagraph (C) to read as follows:

“(C) any foreign government, including any foreign governmental entity; and”; and

(2) in subparagraph (D), by striking “subparagraph (B) or (C)” and inserting “subparagraph (A), (B), or (C), including any entity in which any entity described in any such subparagraph owns a controlling interest”.

(e) **SHORT TITLE.**—

(1) **AMENDMENT.**—Section 1 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is

22 USC 2797b
note; 50 USC
1701 note.

amended by striking “Iran Nonproliferation Act of 2000” and inserting “Iran and Syria Nonproliferation Act”.

(2) REFERENCES.—Any reference in a law, regulation, document, or other record of the United States to the Iran Nonproliferation Act of 2000 shall be deemed to be a reference to the Iran and Syria Nonproliferation Act.

Approved November 22, 2005.

LEGISLATIVE HISTORY—S. 1713:

CONGRESSIONAL RECORD, Vol. 151 (2005):

Sept. 21, considered and passed Senate.

Oct. 26, considered and passed House, amended.

Nov. 8, Senate concurred in House amendments.

