

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2105  
OFFERED BY MS. ROS-LEHTINEN OF FLORIDA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Iran, North Korea, and Syria Nonproliferation Reform  
4 and Modernization Act of 2011”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Statement of policy.
- Sec. 3. Reports on proliferation relating to Iran, North Korea, and Syria.
- Sec. 4. Application of measures to certain foreign persons.
- Sec. 5. Determination exempting a foreign person from the application of certain measures.
- Sec. 6. Restrictions on nuclear cooperation with countries aiding proliferation by Iran, North Korea, or Syria.
- Sec. 7. Restriction on extraordinary payments in connection with the International Space Station.
- Sec. 8. Exclusion from the United States of senior officials of foreign persons who have aided proliferation relating to Iran.
- Sec. 9. Prohibition on certain vessels landing in the United States; enhanced inspections.
- Sec. 10. Sanctions with respect to critical defense resources provided to or acquired from Iran, North Korea, or Syria.
- Sec. 11. Definitions.
- Sec. 12. Repeal of Iran, North Korea, and Syria Nonproliferation Act.

**7 SEC. 2. STATEMENT OF POLICY.**

8 It shall be the policy of the United States to fully  
9 implement and enforce sanctions against Iran, North

1 Korea, and Syria for their proliferation activities and poli-  
2 cies.

3 **SEC. 3. REPORTS ON PROLIFERATION RELATING TO IRAN,**  
4 **NORTH KOREA, AND SYRIA.**

5 (a) REPORTS.—Not later than 90 days after the date  
6 of the enactment of this Act and every 120 days there-  
7 after, the President shall transmit to the appropriate con-  
8 gressional committees a report identifying every foreign  
9 person with respect to whom there is credible information  
10 indicating that such person—

11 (1) on or after January 1, 1999, transferred to  
12 or acquired from Iran, on or after January 1, 2005,  
13 transferred to or acquired from Syria, or on or after  
14 January 1, 2006, transferred to or acquired from  
15 North Korea—

16 (A) goods, services, or technology listed  
17 on—

18 (i) the Nuclear Suppliers Group  
19 Guidelines for the Export of Nuclear Mate-  
20 rial, Equipment and Technology (published  
21 by the International Atomic Energy Agen-  
22 cy as Information Circular INFCIRC/254/  
23 Rev. 3/Part 1, and subsequent revisions)  
24 and Guidelines for Transfers of Nuclear-  
25 Related Dual-Use Equipment, Material,

1 and Related Technology (published by the  
2 International Atomic Energy Agency as In-  
3 formation Circular INFCIRC/254/Rev. 3/  
4 Part 2, and subsequent revisions);

5 (ii) the Missile Technology Control  
6 Regime Equipment and Technology Annex  
7 of June 11, 1996, and subsequent revi-  
8 sions;

9 (iii) the lists of items and substances  
10 relating to biological and chemical weapons  
11 the export of which is controlled by the  
12 Australia Group;

13 (iv) the Schedule One or Schedule  
14 Two list of toxic chemicals and precursors  
15 the export of which is controlled pursuant  
16 to the Convention on the Prohibition of the  
17 Development, Production, Stockpiling and  
18 Use of Chemical Weapons and on Their  
19 Destruction; or

20 (v) the Wassenaar Arrangement list of  
21 Dual Use Goods and Technologies and  
22 Munitions list of July 12, 1996, and subse-  
23 quent revisions; or

24 (B) goods, services, or technology not list-  
25 ed on any list specified in subparagraph (A) but

1           which nevertheless would be, if such goods,  
2           services, or technology were United States  
3           goods, services, or technology, prohibited for ex-  
4           port to Iran, North Korea, or Syria, as the case  
5           may be, because of the potential of such goods,  
6           services or technology to make a material con-  
7           tribution to the development of nuclear, biologi-  
8           cal, or chemical weapons, or of ballistic or  
9           cruise missile systems or destabilizing types and  
10          amounts of conventional weapons;

11          (2) except as provided in subsection (b), on or  
12          after the date of the enactment of this Act, acquired  
13          materials mined or otherwise extracted within the  
14          territory or control of Iran, North Korea, or Syria,  
15          as the case may be, for purposes relating to the nu-  
16          clear, biological, or chemical weapons, or ballistic or  
17          cruise missile development programs of Iran, North  
18          Korea, or Syria, as the case may be;

19          (3) on or after the date of the enactment of this  
20          Act, transferred to Iran, Syria, or North Korea  
21          goods, services, or technology that could assist ef-  
22          forts to extract or mill uranium ore within the terri-  
23          tory or control of Iran, North Korea, or Syria, as  
24          the case may be;

1           (4) on or after the date of the enactment of this  
2 Act, provided to Iran, Syria, or North Korea desta-  
3 bilizing types and amounts of conventional weapons  
4 and technical assistance; or

5           (5) on or after the date of the enactment of this  
6 Act, provided a vessel, insurance or reinsurance, or  
7 any other shipping service for the transportation of  
8 goods to or from Iran, North Korea, or Syria for  
9 purposes relating to the nuclear, biological, or chem-  
10 ical weapons, or ballistic or cruise missile develop-  
11 ment programs of Iran, North Korea, or Syria, as  
12 the case may be.

13 (b) EXCEPTIONS.—Any foreign person who—

14           (1) was identified in a report transmitted in ac-  
15 cordance with subsection (a) on account of a par-  
16 ticular transfer, or

17           (2) has engaged in a transfer on behalf of, or  
18 in concert with, the Government of the United  
19 States,

20 shall not be identified on account of that same transfer  
21 in any report submitted thereafter under this section, ex-  
22 cept to the degree that new information has emerged indi-  
23 cating that the particular transfer at issue may have con-  
24 tinued, or been larger, more significant, or different in na-  
25 ture than previously reported under this section.

1           (c) TRANSMISSION IN CLASSIFIED FORM.—If the  
2 President considers it appropriate, reports transmitted in  
3 accordance with subsection (a), or appropriate parts there-  
4 of, may be transmitted in classified form.

5           (d) CONTENT OF REPORTS.—Each report required  
6 under subsection (a) shall contain, with respect to each  
7 foreign person identified in each such report, a brief de-  
8 scription of the type and quantity of the goods, services,  
9 or technology transferred by such person to Iran, North  
10 Korea, or Syria, the circumstances surrounding such  
11 transfer, the usefulness to the nuclear, biological, or chem-  
12 ical weapons, or ballistic or cruise missile development  
13 programs of Iran, North Korea, or Syria of such transfer,  
14 and the probable awareness or lack thereof of the transfer  
15 on the part of the government with primary jurisdiction  
16 over such person.

17           (e) ADDITIONAL CONTENTS OF REPORTS.—Each re-  
18 port under subsection (a) shall contain a description, with  
19 respect the transfer or acquisition of the goods, services,  
20 or technology described in such subsection, of the actions  
21 taken by foreign governments to assist in interdicting such  
22 transfer or acquisition.

1 **SEC. 4. APPLICATION OF MEASURES TO CERTAIN FOREIGN**  
2 **PERSONS.**

3 (a) APPLICATION OF MEASURES.—Subject to section  
4 5, the President shall apply, for a period of not less than  
5 two years, the measures specified in subsection (b) with  
6 respect to—

7 (1) each foreign person identified in a report  
8 transmitted under section 3(a);

9 (2) each person that is a successor, subunit, or  
10 subsidiary of a foreign person referred to in para-  
11 graph (1); and

12 (3) each person that owns more than 50 per-  
13 cent of, or controls in fact, a foreign person referred  
14 to in paragraph (1) or a person described in para-  
15 graph (2).

16 (b) DESCRIPTION OF MEASURES.—The measures re-  
17 ferred to in subsection (a) are the following:

18 (1) EXECUTIVE ORDER 12938 PROHIBITIONS.—  
19 The measures specified in subsections (b), (c), and  
20 (d) of section 4 of Executive Order 12938 (50  
21 U.S.C. 1701 note; relating to proliferation of weap-  
22 ons of mass destruction).

23 (2) ARMS EXPORT PROHIBITION.—Prohibition  
24 on United States Government sales to a person de-  
25 scribed in subsection (a) of any item on the United  
26 States Munitions List and termination of sales to

1       such person of any defense articles, defense services,  
2       or design and construction services under the Arms  
3       Export Control Act (22 U.S.C. 2751 et seq.).

4               (3) DUAL USE EXPORT PROHIBITION.—Denial  
5       of licenses and suspension of existing licenses for the  
6       transfer to a person described in subsection (a) of  
7       items the export of which is controlled under the Ex-  
8       port Administration Act of 1979 (50 U.S.C. App.  
9       2401 et seq.), as in effect pursuant to the Inter-  
10      national Emergency Economic Powers Act, or the  
11      Export Administration Regulations.

12              (4) INVESTMENT PROHIBITION.—Prohibition on  
13      any investment by a United States person in prop-  
14      erty, including entities, owned or controlled by a per-  
15      son described in subsection (a).

16              (5) FINANCING PROHIBITION.—Prohibition on  
17      any approval, financing, or guarantee by a United  
18      States person, wherever located, of a transaction by  
19      a person described in subsection (a).

20              (6) FINANCIAL ASSISTANCE PROHIBITION.—De-  
21      nial by the United States Government of any credit,  
22      credit guarantees, grants, or other financial assist-  
23      ance by any agency of the United States Govern-  
24      ment to a person described in subsection (a).

1           (c) **EFFECTIVE DATE.**—Measures applied pursuant  
2 to subsection (a) shall be effective with respect to a foreign  
3 person no later than—

4           (1) 90 days after the report identifying the for-  
5 eign person is submitted, if the report is submitted  
6 on or before the date required by section 3(a);

7           (2) 90 days after the date required by section  
8 3(a) for submitting the report, if the report identi-  
9 fying the foreign person is submitted within 60 days  
10 after that date; or

11           (3) on the date that the report identifying the  
12 foreign person is submitted, if that report is sub-  
13 mitted more than 60 days after the date required by  
14 section 3(a).

15           (d) **PUBLICATION IN FEDERAL REGISTER.**—

16           (1) **IN GENERAL.**—The Secretary of the Treas-  
17 ury shall publish in the Federal Register notice of  
18 the application against a person of measures pursu-  
19 ant to subsection (a).

20           (2) **CONTENT.**—Each notice published in ac-  
21 cordance with paragraph (1) shall include the name  
22 and address (where known) of each person to which  
23 measures have been applied pursuant to subsection  
24 (a).

1 **SEC. 5. DETERMINATION EXEMPTING A FOREIGN PERSON**  
2 **FROM THE APPLICATION OF CERTAIN MEAS-**  
3 **URES.**

4 (a) IN GENERAL.—The application of any measure  
5 described in section 4(b) to a person described in section  
6 4(a) shall cease to be effective beginning 15 days after  
7 the date on which the President determines and certifies  
8 to the appropriate congressional committees, on the basis  
9 of information provided by such person or otherwise ob-  
10 tained by the President, that—

11 (1) in the case of a transfer or acquisition of  
12 goods, services, or technology described in section  
13 3(a)(1)—

14 (A) such person did not, on or after Janu-  
15 ary 1, 1999, knowingly transfer to or acquire  
16 from Iran, North Korea, or Syria, as the case  
17 may be, such goods, services, or technology the  
18 apparent transfer of which caused such person  
19 to be identified in a report submitted pursuant  
20 to section 3(a);

21 (B) the goods, services, or technology the  
22 transfer of which caused such person to be  
23 identified in a report submitted pursuant to  
24 section 3(a) did not contribute to the efforts of  
25 Iran, North Korea, or Syria, as the case may  
26 be, to develop—

1 (i) nuclear, biological, or chemical  
2 weapons, or ballistic or cruise missile sys-  
3 tems, or weapons listed on the Wassenaar  
4 Arrangement Munitions List of July 12,  
5 1996, or any subsequent revision of such  
6 List; or

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

10 (C) such person is subject to the primary  
11 jurisdiction of a government that is an adherent  
12 to one or more relevant nonproliferation re-  
13 gimes, such person was identified in a report  
14 submitted pursuant to section 3(a) with respect  
15 to a transfer of goods, services, or technology  
16 described in section 3(a)(1)(A), and such trans-  
17 fer was made in accordance with the guidelines  
18 and parameters of all such relevant regimes of  
19 which such government is an adherent; or

20 (D) the government with primary jurisdic-  
21 tion over such person has imposed meaningful  
22 penalties on such person on account of the  
23 transfer of such goods, services, or technology  
24 that caused such person to be identified in a re-  
25 port submitted pursuant to section 3(a);

1           (2) in the case of an acquisition of materials  
2           mined or otherwise extracted within the territory of  
3           Iran, North Korea, or Syria, as the case may be, de-  
4           scribed in section 3(a)(2) for purposes relating to  
5           the nuclear, biological, or chemical weapons, or bal-  
6           listic or cruise missile development programs of  
7           Iran, North Korea, or Syria, as the case may be,  
8           such person did not acquire such materials; or

9           (3) in the case of the provision of a vessel, in-  
10          surance or reinsurance, or another shipping service  
11          for the transportation of goods to or from Iran,  
12          North Korea, or Syria, as the case may be, described  
13          in section 3(a)(3) for purposes relating to the nu-  
14          clear, biological, or chemical weapons, or ballistic or  
15          cruise missile development programs of Iran, North  
16          Korea, or Syria, as the case may be, such person did  
17          not provide such a vessel or service.

18          (b) OPPORTUNITY TO PROVIDE INFORMATION.—  
19          Congress urges the President—

20                 (1) in every appropriate case, to contact in a  
21                 timely fashion each person described in section 3(a),  
22                 or the government with primary jurisdiction over  
23                 such person, in order to afford such person, or such  
24                 government, the opportunity to provide explanatory,  
25                 exculpatory, or other additional information with re-

1       spect to the transfer that caused such person to be  
2       identified in a report submitted pursuant to section  
3       3(a); and

4             (2) to exercise the authority described in sub-  
5       section (a) in all cases in which information obtained  
6       from each person described in section 3(a), or from  
7       the government with primary jurisdiction over such  
8       person, establishes that the exercise of such author-  
9       ity is warranted.

10       (c) FORM OF TRANSMISSION.—

11             (1) IN GENERAL.—Except as provided in para-  
12       graph (2), the determination and report of the  
13       President under subsection (a) shall be transmitted  
14       in unclassified form.

15             (2) EXCEPTION.—The determination and report  
16       of the President under subsection (a) may be trans-  
17       mitted in classified form if the President certifies to  
18       the appropriate congressional committees that it is  
19       vital to the national security interests of the United  
20       States to do so.

21       **SEC. 6. RESTRICTIONS ON NUCLEAR COOPERATION WITH**  
22                               **COUNTRIES AIDING PROLIFERATION BY**  
23                               **IRAN, NORTH KOREA, OR SYRIA.**

24       (a) IN GENERAL.—

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

4                   (A) no agreement for cooperation between  
5                   the United States and the government of any  
6                   country that is assisting the nuclear program of  
7                   Iran, North Korea, or Syria, or transferring ad-  
8                   vanced conventional weapons or missiles to  
9                   Iran, North Korea, or Syria may be submitted  
10                  to the President or to Congress pursuant to  
11                  section 123 of the Atomic Energy Act of 1954  
12                  (42 U.S.C. 2153);

13                  (B) no such agreement may enter into  
14                  force with respect to such country;

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

20                  (D) no approval may be given for the  
21                  transfer or retransfer directly or indirectly to  
22                  such country of any nuclear material, facilities,  
23                  components, or other goods, services, or tech-  
24                  nology that would be subject to such agreement,

1           until the President makes the determination  
2           and report under paragraph (2).

3           (2) DETERMINATION AND REPORT.—The deter-  
4           mination and report referred to in paragraph (1)(D)  
5           are a determination and report by the President,  
6           submitted to the Committee on Foreign Affairs of  
7           the House of Representatives and the Committee on  
8           Foreign Relations of the Senate, that—

9                   (A) Iran, North Korea, or Syria, as the  
10           case may, has ceased its efforts to design, de-  
11           velop, or acquire a nuclear explosive device or  
12           related materials or technology; or

13                   (B) the government of the country that is  
14           assisting the nuclear programs of Iran, North  
15           Korea, or Syria, as the case may be, or trans-  
16           ferring advanced conventional weapons or mis-  
17           siles to Iran, North Korea, or Syria, as the case  
18           may be—

19                           (i) has suspended all nuclear assist-  
20           ance to Iran, North Korea, or Syria, as the  
21           case may be, and all transfers of advanced  
22           conventional weapons and missiles to Iran,  
23           North Korea, or Syria, as the case may be;  
24           and

1           (ii) is committed to maintaining that  
2           suspension until Iran, North Korea, or  
3           Syria, as the case may be, has imple-  
4           mented measures that would permit the  
5           President to make the determination de-  
6           scribed in subparagraph (A).

7           (b) RULES OF CONSTRUCTION.—The restrictions de-  
8           scribed in subsection (a)(1)—

9           (1) shall apply in addition to all other applica-  
10          ble procedures, requirements, and restrictions de-  
11          scribed in the Atomic Energy Act of 1954 and other  
12          applicable Acts; and

13          (2) shall not be construed as affecting the valid-  
14          ity of an agreement for cooperation between the  
15          United States and the government of a country that  
16          is in effect on the date of the enactment of this Act.

17          (c) DEFINITIONS.—In this section:

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

22          (2) ASSISTING THE NUCLEAR PROGRAM OF  
23          IRAN, NORTH KOREA, OR SYRIA.—The term “assist-  
24          ing the nuclear program of Iran, North Korea, or  
25          Syria” means the intentional transfer to Iran, North

1 Korea, or Syria by a government, or by a person  
2 subject to the jurisdiction of a government with the  
3 knowledge and acquiescence of that government, of  
4 goods, services, or technology listed on the Nuclear  
5 Suppliers Group Guidelines for the Export of Nu-  
6 clear Material, Equipment and Technology (pub-  
7 lished by the International Atomic Energy Agency as  
8 Information Circular INFCIRC/254/Rev. 3/Part 1,  
9 and subsequent revisions), or the Nuclear Suppliers  
10 Group Guidelines for Transfers of Nuclear-Related  
11 Dual-Use Equipment, Material, and Related Tech-  
12 nology (published by the International Atomic En-  
13 ergy Agency as Information Circular INFCIR/254/  
14 Rev. 3/Part 2, and subsequent revisions).

15 (3) COUNTRY THAT IS ASSISTING THE NU-  
16 CLEAR PROGRAMS OF IRAN, NORTH KOREA, OR  
17 SYRIA OR TRANSFERRING ADVANCED CONVENTIONAL  
18 WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR  
19 SYRIA.—The term “country that is assisting the nu-  
20 clear program of Iran, North Korea, or Syria or  
21 transferring advanced conventional weapons or mis-  
22 siles to Iran, North Korea, or Syria” means—

23 (A) the Russian Federation; and

24 (B) any other country determined by the  
25 President to be assisting the nuclear program

1 of Iran, North Korea, or Syria or transferring  
2 advanced conventional weapons or missiles to  
3 Iran, North Korea, or Syria.

4 (4) TRANSFER.—The term “transfer” means  
5 the conveyance of technological or intellectual prop-  
6 erty, or the conversion of intellectual or technological  
7 advances into marketable goods, services, or articles  
8 of value, developed and generated in one place, to  
9 another through illegal or illicit means to a country,  
10 the government of which the Secretary of State has  
11 determined, for purposes of section 6(j)(1)(A) of the  
12 Export Administration Act of 1979 (as in effect pur-  
13 suant to the International Emergency Economic  
14 Powers Act; 50 U.S.C. 1701 et seq.), section 40(d)  
15 of the Arms Export Control Act (22 U.S.C.  
16 2780(d)), and section 620A of the Foreign Assist-  
17 ance Act of 1961 (22 U.S.C. 2371), is a government  
18 that has repeatedly provided support for acts of  
19 international terrorism.

20 (5) TRANSFERRING ADVANCED CONVENTIONAL  
21 WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR  
22 SYRIA.—The term “transferring advanced conven-  
23 tional weapons or missiles to Iran, North Korea, or  
24 Syria” means the intentional transfer to Iran, North  
25 Korea, or Syria by a government, or by a person

1 subject to the jurisdiction of a government with the  
2 knowledge and acquiescence of that government, of  
3 goods, services, or technology listed on—

4 (A) the Wassenaar Arrangement list of  
5 Dual Use Goods and Technologies and Muni-  
6 tions list of July 12, 1996, and subsequent revi-  
7 sions; or

8 (B) the Missile Technology Control Regime  
9 Equipment and Technology Annex of June 11,  
10 1996, and subsequent revisions.

11 **SEC. 7. RESTRICTION ON EXTRAORDINARY PAYMENTS IN**  
12 **CONNECTION WITH THE INTERNATIONAL**  
13 **SPACE STATION.**

14 (a) RESTRICTION.—

15 (1) IN GENERAL.—Notwithstanding any other  
16 provision of law, no agency of the United States  
17 Government may make extraordinary payments in  
18 connection with the International Space Station to  
19 the Russian Aviation and Space Agency, any organi-  
20 zation or entity under the jurisdiction or control of  
21 the Russian Aviation and Space Agency, or any  
22 other organization, entity, or element of the Govern-  
23 ment of the Russian Federation, unless, during the  
24 fiscal year in which such extraordinary payments are  
25 to be made, the President has made the determina-

1       tion described in subsection (b), and reported such  
2       determination to the Committee on Foreign Affairs  
3       and the Committee on Science and Technology of  
4       the House of Representatives and the Committee on  
5       Foreign Relations and the Committee on Commerce,  
6       Science, and Transportation of the Senate.

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

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

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

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

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

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

9 (1) it is the policy of the Government of the  
10 Russian Federation (including the law enforcement,  
11 export promotion, export control, and intelligence  
12 agencies of such Government) to oppose the pro-  
13 liferation to or from Iran, North Korea, and Syria  
14 of weapons of mass destruction and missile systems  
15 capable of delivering such weapons;

16 (2) the Government of the Russian Federation  
17 (including the law enforcement, export promotion,  
18 export control, and intelligence agencies of such Gov-  
19 ernment) has demonstrated and continues to dem-  
20 onstrate a sustained commitment to seek out and  
21 prevent the transfer to or from Iran, North Korea,  
22 and Syria of goods, services, and technology that  
23 could make a material contribution to the nuclear,  
24 biological, or chemical weapons, or of ballistic or

1 cruise missile systems development programs of  
2 Iran; and

3 (3) neither the Russian Aviation and Space  
4 Agency, nor any organization or entity under the ju-  
5 risdiction or control of the Russian Aviation and  
6 Space Agency, has, during the one-year period end-  
7 ing on the date of the determination under this sub-  
8 section made transfers to or from Iran, North  
9 Korea, or Syria reportable under section 3(a) (other  
10 than transfers with respect to which a determination  
11 pursuant to section 5 has been or will be made).

12 (c) PRIOR NOTIFICATION.—Not less than five days  
13 before making a determination under this section, the  
14 President shall notify the Committee on Foreign Affairs  
15 and the Committee on Science, Space, and Technology of  
16 the House of Representatives and the Committee on For-  
17 eign Relations and the Committee on Commerce, Science,  
18 and Transportation of the Senate of the President's inten-  
19 tion to make such a determination.

20 (d) WRITTEN JUSTIFICATION.—A determination of  
21 the President under this section shall include a written  
22 justification describing in detail the facts and cir-  
23 cumstances supporting the President's conclusion.

24 (e) TRANSMISSION IN CLASSIFIED FORM.—If the  
25 President considers it appropriate, a determination of the

1 President under this section, a prior notification under  
2 subsection (e), and a written justification under subsection  
3 (d), or appropriate parts thereof, may be transmitted in  
4 classified form.

5 (f) EXCEPTION FOR CREW SAFETY.—

6 (1) EXCEPTION.—The National Aeronautics  
7 and Space Administration may make extraordinary  
8 payments in connection with the International Space  
9 Station to the Russian Aviation and Space Agency  
10 or any organization or entity under the jurisdiction  
11 or control of the Russian Aviation and Space Agen-  
12 cy, or any subcontractor thereof, that would other-  
13 wise be prohibited under this section if the President  
14 notifies Congress in writing that such payments are  
15 necessary to prevent the imminent loss of life of or  
16 grievous injury to individuals aboard the Inter-  
17 national Space Station.

18 (2) REPORT.—Not later than 30 days after no-  
19 tifying Congress that the National Aeronautics and  
20 Space Administration will make extraordinary pay-  
21 ments under paragraph (1), the President shall  
22 transmit to Congress a report describing—

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

1 (B) the measures that the National Aero-  
2 nautics and Space Administration is taking to  
3 ensure that—

4 (i) the conditions posing a threat of  
5 imminent loss of life of or grievous injury  
6 to individuals aboard the International  
7 Space Station necessitating the extraor-  
8 dinary payments are not repeated; and

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

14 (g) SERVICE MODULE EXCEPTION.—

15 (1) IN GENERAL.—The National Aeronautics  
16 and Space Administration may make extraordinary  
17 payments in connection with the International Space  
18 Station to the Russian Aviation and Space Agency,  
19 any organization or entity under the jurisdiction or  
20 control of the Russian Aviation and Space Agency,  
21 or any subcontractor thereof, that would otherwise  
22 be prohibited under this section for the construction,  
23 testing, preparation, delivery, launch, or mainte-  
24 nance of the Service Module, and for the purchase  
25 (at a total cost not to exceed \$14,000,000) of the

1 pressure dome for the Interim Control Module and  
2 the Androgynous Peripheral Docking Adapter and  
3 related hardware for the United States propulsion  
4 module, if—

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

7 (B) no report has been made under section  
8 3(a) with respect to an activity of the entity to  
9 receive such payment, and the President has no  
10 credible information of any activity that would  
11 require such a report; and

12 (C) the United States will receive goods or  
13 services of value to the United States commensurate  
14 with the value of the extraordinary payments made.  
15

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

24 (3) TERMINATION.—This subsection shall cease  
25 to be effective on the date that is 60 days after the

1 date on which a United States propulsion module is  
2 in place at the International Space Station.

3 (h) EXCEPTION.—No agency of the United States  
4 Government may make extraordinary payments in connec-  
5 tion with the International Space Station, or any other  
6 payments in connection with the International Space Sta-  
7 tion, to any foreign person subject to measures applied  
8 pursuant to section 4 of Executive Order 12938 (Novem-  
9 ber 14, 1994), as amended by Executive Order 13094  
10 (July 28, 1998).

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

13 (1) IN GENERAL.—The President shall, to-  
14 gether with each report submitted under section  
15 3(a), transmit to the Committee on Foreign Rela-  
16 tions of the Senate and the Committee on Foreign  
17 Affairs of the House of Representatives a report  
18 that identifies each Russian entity or person to  
19 whom the United States Government has, since No-  
20 vember 22, 2005, made a payment in cash or in  
21 kind for work to be performed or services to be ren-  
22 dered under the Agreement Concerning Cooperation  
23 on the Civil International Space Station, with annex,  
24 signed at Washington January 29, 1998, and en-  
25 tered into force March 27, 2001, or any protocol,

1 agreement, memorandum of understanding, or con-  
2 tract related thereto.

3 (2) CONTENT.—Each report transmitted under  
4 paragraph (1) shall include—

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

8 (B) with respect to each such payment, the  
9 assessment of the President that the payment  
10 was not prejudicial to the achievement of the  
11 objectives of the United States Government to  
12 prevent the proliferation of ballistic or cruise  
13 missile systems in Iran and other countries that  
14 have repeatedly provided support for acts of  
15 international terrorism, as determined by the  
16 Secretary of State under section 620A(a) of the  
17 Foreign Assistance Act of 1961 (22 U.S.C.  
18 2371(a)), section 6(j) of the Export Adminis-  
19 tration Act of 1979 (50 U.S.C. App. 2405(j)),  
20 or section 40(d) of the Arms Export Control  
21 Act (22 U.S.C. 2780(d)).

1 **SEC. 8. EXCLUSION FROM THE UNITED STATES OF SENIOR**  
2 **OFFICIALS OF FOREIGN PERSONS WHO HAVE**  
3 **AIDED PROLIFERATION RELATING TO IRAN.**

4 (a) **GROUND FOR EXCLUSION.**—Except as provided  
5 in subsection (b), the Secretary of State shall deny a visa  
6 to, and the Secretary of Homeland Security shall exclude  
7 from the United States, any alien whom the Secretary of  
8 State determines is an alien who, on or after the date of  
9 the enactment of this Act, is a—

10 (1) corporate officer, principal, or shareholder  
11 with a controlling interest of a foreign person identi-  
12 fied in a report submitted pursuant to section 3(a);

13 (2) corporate officer, principal, or shareholder  
14 with a controlling interest of a successor entity to,  
15 or a parent or subsidiary of, a foreign person identi-  
16 fied in such a report;

17 (3) corporate officer, principal, or shareholder  
18 with a controlling interest of an affiliate of a foreign  
19 person identified in such a report, if such affiliate  
20 engaged in the activities referred to in such report,  
21 and if such affiliate is controlled in fact by the for-  
22 eign person identified in such report; or

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

25 (b) **EXCEPTION.**—The President may waive denial of  
26 a visa and exclusion from the United States described in

1 subsection (a) with respect to a person specified in para-  
2 graph (5), (6), or (7) of subsection (a) if the President  
3 determines and certifies in writing to the Committee on  
4 Foreign Affairs and the Committee on Appropriations of  
5 the House of Representatives and the Committee on For-  
6 eign Relations and the Committee on Appropriations of  
7 the Senate, on a case by case basis, that the foreign gov-  
8 ernment with primary jurisdiction over such person has  
9 made and continues to make clear, specific efforts to stop  
10 and deter the transfer (as such term is defined in section  
11 9) or retransfer of, or the permitting, hosting, or other  
12 facilitating of transshipments that may enable the transfer  
13 or retransfer of goods or technology that contribute to the  
14 efforts by Iran, Syria, or North Korea to acquire or de-  
15 velop advanced conventional weapons, or to acquire, de-  
16 velop, produce, or stockpile biological, chemical, radio-  
17 logical, or nuclear weapons or long-range ballistic missiles,  
18 cruise missiles, or destabilizing types and amounts of con-  
19 ventional weapons.

20 (c) DEFINITIONS.—In this section—

21 (1) the term “advanced conventional weapons”  
22 means goods, services, or technology listed on—

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

1 tions list of July 12, 1996, and subsequent revi-  
2 sions; or

3 (B) the Missile Technology Control Regime  
4 Equipment and Technology Annex of June 11,  
5 1996, and subsequent revisions; and

6 (2) the term “transshipment” means the trans-  
7 fer of cargo from one vessel or conveyance to an-  
8 other vessel for further transit to complete the voy-  
9 age and carry the cargo to its ultimate destination.

10 **SEC. 9. PROHIBITION ON CERTAIN VESSELS LANDING IN**  
11 **THE UNITED STATES; ENHANCED INSPEC-**  
12 **TIONS.**

13 The Ports and Waterways Safety Act (33 U.S.C.  
14 1221 et seq.) is amended by adding at the end the fol-  
15 lowing:

16 **“SEC. 16. PROHIBITION ON CERTAIN VESSELS LANDING IN**  
17 **THE UNITED STATES; ENHANCED INSPEC-**  
18 **TIONS.**

19 “(a) CERTIFICATION REQUIREMENT.—

20 “(1) IN GENERAL.—Beginning on the date of  
21 enactment of the Iran, North Korea, and Syria Non-  
22 proliferation Reform and Modernization Act of  
23 2011, before a vessel arrives at a port in the United  
24 States, the owner, charterer, operator, or master of  
25 the vessel shall certify that the vessel did not enter

1 a port in Iran, North Korea, or Syria during the  
2 180-day period ending on the date of arrival of the  
3 vessel at the port in the United States.

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

7 “(A) any vessel for which a false certifi-  
8 cation was made under section (a); and

9 “(B) any other vessel owned by a parent  
10 corporation, partnership, association, or indi-  
11 vidual proprietorship of the vessel for which the  
12 false certification was made.

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

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

19 “(2) inspect vessels arriving in the United  
20 States from foreign ports identified under paragraph  
21 (1) to establish whether the vessel was involved, dur-  
22 ing the 12-month period ending on the date of ar-  
23 rival of the vessel at the port in the United States,  
24 in any activity that would be subject to sanctions  
25 under the Iran, North Korea, and Syria Non-

1 proliferation Reform and Modernization Act of  
2 2011.”.

3 **SEC. 10. SANCTIONS WITH RESPECT TO CRITICAL DEFENSE**  
4 **RESOURCES PROVIDED TO OR ACQUIRED**  
5 **FROM IRAN, NORTH KOREA, OR SYRIA.**

6 (a) IN GENERAL.—The President shall apply the  
7 sanctions described in subsection (b) to any person the  
8 President determines is, on or after the date of the enact-  
9 ment of this Act, providing to, or acquiring from, Iran,  
10 North Korea, or Syria any good or technology that the  
11 President determines is used, or is likely to be used, for  
12 military applications.

13 (b) SANCTIONS DESCRIBED.—The sanctions de-  
14 scribed in this subsection are, with respect to a person  
15 described in subsection (a), the following:

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

20 (2) BANKING TRANSACTIONS.—Prohibiting any  
21 transfers of credit or payments between financial in-  
22 stitutions or by, through, or to any financial institu-  
23 tion, to the extent that such transfers or payments  
24 are subject to the jurisdiction of the United States  
25 and involve any interest of that person.

1           (3) PROPERTY TRANSACTIONS.—Prohibiting  
2           any person from—

3                   (A) acquiring, holding, withholding, using,  
4                   transferring, withdrawing, transporting, import-  
5                   ing, or exporting any property that is subject to  
6                   the jurisdiction of the United States and with  
7                   respect to which the person described in sub-  
8                   section (a) has any interest;

9                   (B) dealing in or exercising any right,  
10                  power, or privilege with respect to such prop-  
11                  erty; or

12                  (C) conducting any transaction involving  
13                  such property.

14           (4) LOAN GUARANTEES.—Prohibiting the head  
15           of any Federal agency from providing a loan guar-  
16           antee to that person.

17           (c) RESTRICTIONS ON EXPORT LICENSES FOR NU-  
18           CLEAR COOPERATION AND CERTAIN LOAN GUARAN-  
19           TEES.—Before issuing a license for the exportation of any  
20           article pursuant to an agreement for cooperation under  
21           section 123 of the Atomic Energy Act of 1954 (42 U.S.C.  
22           2153) or approving a loan guarantee or any other assist-  
23           ance provided by the United States Government with re-  
24           spect to a nuclear energy project, the Secretary of Energy,  
25           the Secretary of Commerce, and the Nuclear Regulatory

1 Commission shall certify to Congress that issuing the li-  
2 cense or approving the loan guarantee or other assistance  
3 (as the case may be) will not permit the transfer of any  
4 good or technology described in subsection (a) to Iran,  
5 North Korea, or Syria.

6 **SEC. 11. DEFINITIONS.**

7 In this Act:

8 (1) ADHERENT TO RELEVANT NONPROLIFERA-  
9 TION REGIME.—A government is an “adherent” to a  
10 “relevant nonproliferation regime” if such govern-  
11 ment—

12 (A) is a member of the Nuclear Suppliers  
13 Group with respect to a transfer of goods, serv-  
14 ices, or technology described in section  
15 3(a)(1)(A)(i);

16 (B) is a member of the Missile Technology  
17 Control Regime with respect to a transfer of  
18 goods, services, or technology described in sec-  
19 tion 3(a)(1)(A)(ii), or is a party to a binding  
20 international agreement with the United States  
21 that was in effect on January 1, 1999, to con-  
22 trol the transfer of such goods, services, or  
23 technology in accordance with the criteria and  
24 standards set forth in the Missile Technology  
25 Control Regime;

1 (C) is a member of the Australia Group  
2 with respect to a transfer of goods, services, or  
3 technology described in section 3(a)(1)(A)(iii);

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

10 (E) is a member of the Wassenaar Ar-  
11 rangement with respect to a transfer of goods,  
12 services, or technology described in section  
13 3(a)(1)(A)(v).

14 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
15 TEES.—The term “appropriate congressional com-  
16 mittees” means the Committee on Foreign Affairs of  
17 the House of Representatives and the Committee on  
18 Foreign Relations and the Committee on Banking,  
19 Housing, and Urban Affairs of the Senate.

20 (3) EXTRAORDINARY PAYMENTS IN CONNEX-  
21 TION WITH THE INTERNATIONAL SPACE STATION.—  
22 The term “extraordinary payments in connection  
23 with the International Space Station” means pay-  
24 ments in cash or in kind made or to be made by the  
25 United States Government—

1 (A) for work on the International Space  
2 Station which the Government of the Russian  
3 Federation pledged at any time to provide at its  
4 expense, or

5 (B) for work on the International Space  
6 Station, or for the purchase of goods or services  
7 relating to human space flight, that are not re-  
8 quired to be made under the terms of a con-  
9 tract or other agreement that was in effect on  
10 January 1, 1999, as such terms were in effect  
11 on such date,

12 except that such term does not mean payments in  
13 cash or in kind made or to be made by the United  
14 States Government before December 31, 2020, for  
15 work to be performed or services to be rendered be-  
16 fore such date necessary to meet United States obli-  
17 gations under the Agreement Concerning Coopera-  
18 tion on the Civil International Space Station, with  
19 annex, signed at Washington January 29, 1998, and  
20 entered into force March 27, 2001, or any protocol,  
21 agreement, memorandum of understanding, or con-  
22 tract related thereto.

23 (4) FOREIGN PERSON.—The term “foreign per-  
24 son” means—

25 (A) a natural person who is an alien;

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

8 (C) any foreign government, including any  
9 foreign governmental entity.

10 (5) KNOWINGLY.—The term “knowingly”, with  
11 respect to conduct, a circumstance, or a result,  
12 means that a person has actual knowledge, or should  
13 have known, of the conduct, the circumstance, or the  
14 result of such conduct, circumstance, or result.

15 (6) ORGANIZATION OR ENTITY UNDER THE JU-  
16 RISDICTION OR CONTROL OF THE RUSSIAN AVIATION  
17 AND SPACE AGENCY.—

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

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

1 (ii) was transferred to the Russian  
2 Space Agency by decree of the Government  
3 of the Russian Federation on July 25,  
4 1994, or May 12, 1998;

5 (iii) was or is transferred to the Rus-  
6 sian Aviation and Space Agency or Rus-  
7 sian Space Agency by decree of the Gov-  
8 ernment of the Russian Federation at any  
9 other time before, on, or after March 14,  
10 2000; or

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

15 (B) EXTENSION.—Any organization or en-  
16 tity described in subparagraph (A) shall be  
17 deemed to be under the jurisdiction or control  
18 of the Russian Aviation and Space Agency re-  
19 gardless of whether—

20 (i) such organization or entity, after  
21 being part of or transferred to the Russian  
22 Aviation and Space Agency or Russian  
23 Space Agency, is removed from or trans-  
24 ferred out of the Russian Aviation and  
25 Space Agency or Russian Space Agency; or

1                   (ii) the Russian Aviation and Space  
2                   Agency or Russian Space Agency, after  
3                   holding a controlling interest in such orga-  
4                   nization or entity, divests its controlling in-  
5                   terest.

6                   (7) SUBSIDIARY.—The term “subsidiary”  
7                   means an entity (including a partnership, associa-  
8                   tion, trust, joint venture, corporation, or other orga-  
9                   nization) of a parent company that controls, directly  
10                  or indirectly, the other entity.

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

14                       (A) the conveyance of technological or in-  
15                       tellectual property; and

16                       (B) the conversion of technological or intel-  
17                       lectual advances into marketable goods, serv-  
18                       ices, or technology of value that is developed  
19                       and generated in one location and transferred  
20                       to another location through illegal or illicit  
21                       means.

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

24                       (A) a natural person who is a citizen or  
25                       resident of the United States; or

1 (B) an entity that is organized under the  
2 laws of the United States or any State or terri-  
3 tory thereof.

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

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

14 **SEC. 12. REPEAL OF IRAN, NORTH KOREA, AND SYRIA NON-**  
15 **PROLIFERATION ACT.**

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

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

