To provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2011

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, Ways and Means, 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 application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

4 (a) Short Title.—This Act may be cited as the
5 “Iran, North Korea, and Syria Nonproliferation Reform
6 and Modernization Act of 2011”.

(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. 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.

SEC. 2. STATEMENT OF POLICY.

It shall be the policy of the United States to fully implement and enforce sanctions against Iran, North Korea, and Syria for their proliferation activities and policies.

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

(a) Reports.—Not later than 90 days after the date of the enactment of this Act and every 180 days thereafter, the President shall transmit to the appropriate congressional committees a report identifying every foreign person with respect to whom there is credible information indicating that such person—

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

(A) 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

(B) goods, services, or technology not listed on any list specified in subparagraph (A) 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 potential of such goods, services or technology to make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems;

(2) except as provided in subsection (b), on or after the date of the enactment of this Act, 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;

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

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

(b) EXCEPTIONS.—Any foreign person who—

(1) was identified in a report transmitted in ac-
cordance with subsection (a) on account of a par-
ticular transfer, or
(2) has engaged in a transfer on behalf of, or in concert with, the Government of the United States,
shall not be identified on account of that same transfer in any report submitted thereafter under this section, except to the degree that new information has emerged indicating that the particular transfer at issue may have continued, or been larger, more significant, or different in nature than previously reported under this section.

(c) Transmission in Classified Form.—If the President considers it appropriate, reports transmitted in accordance with subsection (a), or appropriate parts thereof, may be transmitted in classified form.

(d) Content of Reports.—Each report required under subsection (a) shall contain, with respect to each foreign person identified in each such report, a brief description of the type and quantity of the goods, services, or technology transferred by such person to Iran, North Korea, or Syria, the circumstances surrounding such transfer, the usefulness to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria of such transfer, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over such person.
SEC. 4. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

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

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

(2) each person that is a successor, subunit, or subsidiary of a foreign person referred to in paragraph (1); and

(3) each person that owns more than 50 percent of, or controls in fact, a foreign person referred to in paragraph (1) or a person described in paragraph (2).

(b) DESCRIPTION OF MEASURES.—The measures referred to in subsection (a) are the following:

(1) EXECUTIVE ORDER 12938 PROHIBITIONS.—The measures specified in subsections (b), (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) 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 person described in subsection (a) 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 person described in subsection (a).

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

(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 person described in subsection (a).
(c) **Effective Date.**—Measures applied pursuant to subsection (a) shall be effective with respect to a foreign person no later than—

(1) 90 days after the report identifying the foreign person is submitted, if the report is submitted on or before the date required by section 3(a);

(2) 90 days after the date required by section 3(a) for submitting the report, if the report identifying the foreign person is submitted within 60 days after that date; or

(3) on the date that the report identifying the foreign person is submitted, if that report is submitted more than 60 days after the date required by section 3(a).

(d) **Publication in Federal Register.**—

(1) **In general.**—The Secretary of the Treasury shall publish in the Federal Register notice of the application against a person of measures pursuant to subsection (a).

(2) **Content.**—Each notice published in accordance with paragraph (1) shall include the name and address (where known) of each person to which measures have been applied pursuant to subsection (a).
SEC. 5. DETERMINATION EXEMPTING A FOREIGN PERSON FROM THE APPLICATION OF CERTAIN MEASURES.

(a) IN GENERAL.—The application of any measure described in section 4(b) to a person described in section 4(a) shall cease to be effective beginning 15 days after the date on which the President reports to the appropriate congressional committees that the President has determined, on the basis of information provided by such person or otherwise obtained by the President, 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 January 1, 1999, 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 identified in a report submitted pursuant to section 3(a);

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

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

(D) the government with primary jurisdic-
tion 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 identified in a re-
port submitted pursuant to section 3(a);

(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, de-
scribed in section 3(a)(2) for purposes relating to
the nuclear, biological, or chemical weapons, or bal-
licate 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, in-
surance 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 nu-
clear, 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 section 3(a),
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 re-
spect to the transfer that caused such person to be
identified in a report submitted pursuant to section
3(a); and

(2) to exercise the authority described in sub-
section (a) in all cases in which information obtained
from each person described in section 3(a), 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. 6. 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 enactment 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 advanced 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 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; 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)(D) 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, de-
velop, 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 trans-
ferring advanced conventional weapons or mis-
siles to Iran, North Korea, or Syria, as the case
may be—

(i) has suspended all nuclear assist-
ance 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 imple-
mented measures that would permit the
President to make the determination de-
scribed 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; and

(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.

(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 (pub-

(3) **Country that is assisting the nuclear programs 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—

(A) the Russian Federation; and

(B) any other 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. 7. RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.

(a) 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 and Technology of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate.
(b) Determination Regarding Russian Cooperation in Preventing Proliferation Relating to Iran, North Korea, and Syria.—The determination 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 proliferation 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 material contribution 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 ju-
risdiction or control of the Russian Aviation and
Space Agency, has, during the one-year period end-
ing on the date of the determination under this sub-
section made transfers to or from Iran, North
Korea, or Syria reportable 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 For-
-eign Relations and the Committee on Commerce, Science,
and Transportation of the Senate of the President’s inten-
tion 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 cir-
cumstances 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 Agency, 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) no report has been made 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, together with each report submitted under section 3(a), 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 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. 8. EXCLUSION FROM THE UNITED STATES OF SENIOR OFFICIALS OF FOREIGN PERSONS WHO HAVE AIDED PROLIFERATION RELATING TO IRAN.

(a) GROUNDS FOR EXCLUSION.—Except as provided in subsection (b), the Secretary of State shall deny a visa to, and the Secretary of Homeland 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 identi-
ified in a report submitted pursuant to 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 identi-
fied 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 for-
eign person identified in such report;

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

(5) senior official of a foreign government iden-
tified in such a report;

(6) senior official of a foreign government with
primary jurisdiction over a foreign person identified
in such a report; or

(7) spouse, minor child, or agent of a person
excludable under paragraph (5) or (6).
(b) EXCEPTION.—The President may waive denial of a visa and exclusion from the United States described in subsection (a) with respect to a person specified in paragraph (5), (6), or (7) of subsection (a) if the President determines and certifies in writing to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, on a case by case basis, that the foreign government with primary jurisdiction over such person has made and continues to make clear, specific efforts to stop and deter the transfer (as such term is defined in section 9) or retransfer of, or the permitting, hosting, or other facilitating of transshipments that may enable the transfer or retransfer of goods or technology that contribute to the efforts by Iran to acquire or develop advanced conventional weapons, or to acquire, develop, produce, or stockpile biological, chemical, radiological, or nuclear weapons or long-range ballistic missiles cruise missiles.

(c) DEFINITIONS.—In this section—

(1) the term “advanced conventional weapons” means 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; and

(2) the term “transshipment” means the transfer of cargo from one vessel or conveyance to another vessel for further transit to complete the voyage and carry the cargo to its ultimate destination.

SEC. 9. PROHIBITION ON CERTAIN VESSELS LANDING IN THE UNITED STATES; ENHANCED INSPECTIONS.

(a) Prohibition on Certain Vessels Landing in the United States.—Beginning on the date of the enactment of this Act, a vessel may not land at any port in the United States to load or unload freight or engage in the trade of goods or services if the vessel knowingly entered 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.

(b) Enforcement; Enhanced Inspections.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall prescribe regulations that—
(1) require each vessel requesting to land at a
port in the United States to certify that the vessel
is not prohibited from landing at that port by reason
of the application of subsection (a);

(2) prohibit, for a period of two years, any ves-
sel that provides false certification under paragraph
(1) from landing at a port in the United States;

(3) provide a mechanism for identifying foreign
ports at which vessels have landed during the pre-
ceding 12-month period that have also landed at
ports in Iran, North Korea, or Syria during that pe-
riod;

(4) require an enhanced inspection of vessels
arriving in the United States from foreign ports
identified in paragraph (3); and

(5) set forth procedures for inspecting each ves-
sel described in paragraph (4) that are sufficiently
rigorous to establish whether the vessel was involved,
during the 12-month period preceding the arrival of
the vessel at the port in the United States, in any
activity that would be subject to sanctions under this
Act or any other provision of law.

(e) PORT DEFINED.—For purposes of this section,
the term “port” means a seaport or airport.
SEC. 10. SANCTIONS WITH RESPECT TO CRITICAL DEFENSE RESOURCES PROVIDED TO OR ACQUIRED FROM IRAN, NORTH KOREA, OR SYRIA.

(a) In General.—The President shall apply 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 good or technology that the President determines is used, or is likely to be used, for military applications.

(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, importing, 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.

(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.

SEC. 11. DEFINITIONS.

In this title:

(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, or for the purchase of goods or services relating to human space flight, that are 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 July 1, 2016, 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) any foreign government, including any foreign governmental entity.

(5) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, 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 territory 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 aircraft, regardless of whether or not the type of aircraft at issue is described in such section.

SEC. 12. REPEAL OF IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION ACT.

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

(b) RULE OF CONSTRUCTION.—The repeal of the Iran, North Korea, and Syria Nonproliferation Act under subsection (a) shall not be construed to have the effect to release or extinguish any sanction or other penalty under such Act in effect on the day before the date of the enactment of this Act and such Act shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such sanction or other penalty.

(c) REFERENCES.—Any reference in a law, regulation, 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.