SUBCHAPTER V—APPLICATION TO POWERS AND AUTHORITIES OF OTHER PROVISIONS OF LAW AND ACTIONS TAKEN THEREUNDER

### § 1651. Other laws, powers and authorities conferred thereby, and actions taken thereunder; Congressional studies

(a) The provisions of this chapter shall not apply to the following provisions of law, the powers and authorities conferred thereby, and actions taken thereunder:

(1) Act of June 30, 1949 (41 U.S.C. 252);

(2) Section 3727(a)–(e)(1) of title 31;

(3) Section 3737 of the Revised Statutes, as amended (41 U.S.C. 15);

(4) Public Law 85–804 (Act of Aug. 28, 1958, 72 Stat. 972; 50 U.S.C. 1431 et seq.);

(5) Section 2304(a)(1)[1] of title 10;[2]

(b) Each committee of the House of Representatives and the Senate having jurisdiction with respect to any provision of law referred to in subsection (a) of this section shall make a complete study and investigation concerning that provision of law and make a report, including any recommendations and proposed revisions such committee may have, to its respective House of Congress within two hundred and seventy days after September 14, 1976.

(Pub. L. 94–412, title V, § 502, Sept. 14, 1976, 90 Stat. 1258; Pub. L. 95–223, title I, § 101(d), Dec. 28, 1977, 91 Stat. 1625; Pub. L. 96–513, title V, § 507(b), Dec. 12, 1980, 94 Stat. 2919; Pub. L. 105–362, title IX, § 901(r)(2), Nov. 10, 1998, 112 Stat. 3291; Pub. L. 107–314, div. A, title X, § 1062(*o*)(1), Dec. 2, 2002, 116 Stat. 2652.)

REFERENCES IN TEXT

Act of June 30, 1949 (41 U.S.C. 252), referred to in subsec. (a)(1), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. Except for title III of the Act, which is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts, the Act was repealed and reenacted by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapters 1 to 11 of Title 40, Public Buildings, Property, and Works. Section 302 of the Act is classified to section 252 of Title 41, Public Contracts.

Public Law 85–804, referred to in subsec. (a)(4), is Pub. L. 85–804, Aug. 28, 1958, 72 Stat. 972, as amended, which is classified generally to chapter 29 (§ 1431 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

Section 2304(a)(1) of title 10, referred to in subsec. (a)(5), originally authorized purchases or contracts without formal advertising when necessary in the public interest during a national emergency declared by Congress or the President, and as amended generally by Pub. L. 98–369 now sets forth the competition requirements for procurement of property or services.

CODIFICATION

In subsec. (a)(2), ''Section 3727(a)–(e)(1) of title 31'' substituted for ''Section 3477 of the Revised Statutes, as amended (31 U.S.C. 203)'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

[1] See References in Text note below.

[2] So in original. The semicolon probably should be a period.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–314 struck out par. (2), which read ''Act of April 28, 1942 (40 U.S.C. 278b);'', and redesignated pars. (3) to (7) as (1) to (5), respectively.

1998—Subsec. (a)(6). Pub. L. 105–362 substituted ''1431 et seq.'' for ''1431–1435''.

1980—Subsec. (a)(8). Pub. L. 96–513 struck out par. (8) which made reference to sections 3313, 6386(c), and 8313 of title 10.

1977—Subsec. (a)(1). Pub. L. 95–223 struck out par. (1) which read as follows: ''Section 5(b) of the Act of October 6, 1917, as amended (12 U.S.C. 95a; 50 U.S.C. App. 5(b));''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

## CHAPTER 35—INTERNATIONAL EMERGENCY ECONOMIC POWERS

Sec.
1701. Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities.
1702. Presidential authorities.
1703. Consultation and reports.
1704. Authority to issue regulations.
1705. Penalties.
1706. Savings provisions.
1707. Multinational economic embargoes against governments in armed conflict with the United States.

### § 1701. Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities

(a) Any authority granted to the President by section 1702 of this title may be exercised to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States, if the President declares a national emergency with respect to such threat.

(b) The authorities granted to the President by section 1702 of this title may only be exercised to deal with an unusual and extraordinary threat with respect to which a national emergency has been declared for purposes of this chapter and may not be exercised for any other purpose. Any exercise of such authorities to deal with any new threat shall be based on a new declaration of national emergency which must be with respect to such threat.

(Pub. L. 95–223, title II, § 202, Dec. 28, 1977, 91 Stat. 1626.)

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110–96, § 1, Oct. 16, 2007, 121 Stat. 1011, provided that: ''This Act [amending section 1705 of this title and enacting provisions set out as a note under section 1705 of this title] may be cited as the 'International Emergency Economic Powers Enhancement Act'.''

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109–353, § 1, Oct. 13, 2006, 120 Stat. 2015, provided that: ''This Act [amending provisions set out as a note below] may be cited as the 'North Korea Nonproliferation Act of 2006'.''

Pub. L. 109–293, § 1, Sept. 30, 2006, 120 Stat. 1344, provided that: ''This Act [amending section 5318A of Title 31, Money and Finance, enacting provisions set out as notes under this section and section 2151 of Title 22,

Foreign Relations and Intercourse, and amending provisions set out as a note under this section] may be cited as the 'Iran Freedom Support Act'.''

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109–112, §1, Nov. 22, 2005, 119 Stat. 2366, provided that: ''This Act [enacting provisions set out as a note under this section and amending provisions set out as notes under this section and section 2797b of Title 22, Foreign Relations and Intercourse] may be cited as the 'Iran Nonproliferation Amendments Act of 2005'.''

SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107–24, §1, Aug. 3, 2001, 115 Stat. 199, provided that: ''This Act [enacting and amending provisions set out as notes below] may be cited as the 'ILSA Extension Act of 2001'.''

SHORT TITLE

Section 201 of title II of Pub. L. 95–223 provided that: ''This title [enacting this chapter] may be cited as the 'International Emergency Economic Powers Act'.''

SEPARABILITY

Section 208 of Pub. L. 95–223 provided that: ''If any provision of this Act [enacting this chapter] is held invalid, the remainder of the Act shall not be affected thereby.''

SUDAN ACCOUNTABILITY AND DIVESTMENT

Pub. L. 110–174, Dec. 31, 2007, 121 Stat. 2516, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Sudan Accountability and Divestment Act of 2007'.

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) BUSINESS OPERATIONS.—The term 'business operations' means engaging in commerce in any form in Sudan, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

''(3) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(4) GOVERNMENT OF SUDAN.—The term 'Government of Sudan'—

''(A) means the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front) or any successor government formed on or after October 13, 2006 (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan); and

''(B) does not include the regional government of southern Sudan.

''(5) MARGINALIZED POPULATIONS OF SUDAN.—The term 'marginalized populations of Sudan' refers to—

''(A) adversely affected groups in regions authorized to receive assistance under section 8(c) of the Darfur Peace and Accountability Act [of 2006] (Public Law 109–344; 50 U.S.C. 1701 note); and

''(B) marginalized areas in Northern Sudan described in section 4(9) of such Act.

''(6) MILITARY EQUIPMENT.—The term 'military equipment' means—

''(A) weapons, arms, military supplies, and equipment that readily may be used for military purposes, including radar systems or military-grade transport vehicles; or

''(B) supplies or services sold or provided directly or indirectly to any force actively participating in armed conflict in Sudan.

''(7) MINERAL EXTRACTION ACTIVITIES.—The term 'mineral extraction activities' means exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

''(8) OIL-RELATED ACTIVITIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'oil-related activities' means—

''(i) exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading oil; and

''(ii) constructing, maintaining, or operating a pipeline, refinery, or other oilfield infrastructure.

''(B) EXCLUSIONS.—A person shall not be considered to be involved in an oil-related activity if—

''(i) the person is involved in the retail sale of gasoline or related consumer products in Sudan but is not involved in any other activity described in subparagraph (A); or

''(ii) the person is involved in leasing, or owns, rights to an oil block in Sudan but is not involved in any other activity described in subparagraph (A).

''(9) PERSON.—The term 'person' means—

''(A) a natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

''(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

''(C) any successor, subunit, parent company or subsidiary of any entity described in subparagraph (A) or (B).

''(10) POWER PRODUCTION ACTIVITIES.—The term 'power production activities' means any business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar entity of the Government of Sudan whose purpose is to facilitate power generation and delivery, including establishing power-generating plants or hydroelectric dams, selling or installing components for the project, or providing service contracts related to the installation or maintenance of the project.

''(11) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(12) STATE OR LOCAL GOVERNMENT.—The term 'State or local government' includes—

''(A) any State and any agency or instrumentality thereof;

''(B) any local government within a State, and any agency or instrumentality thereof;

''(C) any other governmental instrumentality; and

''(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) [and 42 U.S.C. 2751 et seq.].

''SEC. 3. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES DIRECTLY INVESTED IN CERTAIN SUDANESE SECTORS.

''(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should support the

decision of any State or local government to divest from, or to prohibit the investment of assets of the State or local government in, a person that the State or local government determines poses a financial or reputational risk.

''(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (e) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, persons that the State or local government determines, using credible information available to the public, are conducting or have direct investments in business operations described in subsection (d).

''(c) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

''(d) BUSINESS OPERATIONS DESCRIBED.—

''(1) IN GENERAL.—Business operations described in this subsection are business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment.

''(2) EXCEPTIONS.—Business operations described in this subsection do not include business operations that the person conducting the business operations can demonstrate—

''(A) are conducted under contract directly and exclusively with the regional government of southern Sudan;

''(B) are conducted under a license from the Office of Foreign Assets Control, or are expressly exempted under Federal law from the requirement to be conducted under such a license;

''(C) consist of providing goods or services to marginalized populations of Sudan;

''(D) consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

''(E) consist of providing goods or services that are used only to promote health or education; or

''(F) have been voluntarily suspended.

''(e) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

''(1) NOTICE.—The State or local government shall provide written notice and an opportunity to comment in writing to each person to whom a measure is to be applied.

''(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

''(3) APPLICABILITY.—The measure shall not apply to a person that demonstrates to the State or local government that the person does not conduct or have direct investments in business operations described in subsection (d).

''(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person conducts or has direct investments in business operations described in subsection (d).

''(f) DEFINITIONS.—In this section:

''(1) INVESTMENT.—The 'investment' of assets, with respect to a State or local government, includes—

''(A) a commitment or contribution of assets;

''(B) a loan or other extension of credit of assets; and

''(C) the entry into or renewal of a contract for goods or services.

''(2) ASSETS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'assets' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

''(B) EXCEPTION.—The term 'assets' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

''(g) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) is not preempted by any Federal law or regulation.

''(h) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act [Dec. 31, 2007].

''(2) NOTICE REQUIREMENTS.—Subsections (c) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

''SEC. 4. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

''(a) IN GENERAL.—[Amended section 80a–13 of Title 15, Commerce and Trade]

''(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act [Dec. 31, 2007], the Securities and Exchange Commission shall prescribe regulations, in the public interest and for the protection of investors, to require disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 [15 U.S.C. 80a–13(c)]. Such rules shall require the disclosure to be included in the next periodic report filed with the Commission under section 30 of such Act (15 U.S.C. 80a–29) following such divestiture.

''SEC. 5. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

''It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines is conducting or has direct investments in business operations in Sudan described in section 3(d) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

''(1) the fiduciary makes such determination using credible information that is available to the public; and

''(2) such divestment or avoidance of investment is conducted in accordance with section 2509.94–1 of title 29, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act [Dec. 31, 2007]).

''SEC. 6. PROHIBITION ON UNITED STATES GOVERNMENT CONTRACTS.

''(a) CERTIFICATION REQUIREMENT.—The head of each executive agency shall ensure that each contract entered into by such executive agency for the procurement of goods or services includes a clause that requires the contractor to certify to the contracting officer that the contractor does not conduct business operations in Sudan described in section 3(d).

''(b) REMEDIES.—

''(1) IN GENERAL.—The head of an executive agency may impose remedies as provided in this subsection if the head of the executive agency determines that the contractor has submitted a false certification under subsection (a) after the date the Federal Acquisition Regulation is amended under subsection (e) to implement the requirements of this section.

''(2) TERMINATION.—The head of an executive agency may terminate a covered contract upon the determination of a false certification under paragraph (1).

''(3) SUSPENSION AND DEBARMENT.—The head of an executive agency may debar or suspend a contractor

from eligibility for Federal contracts upon the determination of a false certification under paragraph (1). The debarment period may not exceed 3 years.

''(4) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each contractor that is debarred, suspended, proposed for debarment or suspension, or declared ineligible by the head of an executive agency on the basis of a determination of a false certification under paragraph (1).

''(5) RULE OF CONSTRUCTION.—This section shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under paragraph (1).

''(c) WAIVER.—

''(1) IN GENERAL.—The President may waive the requirement of subsection (a) on a case-by-case basis if the President determines and certifies in writing to the appropriate congressional committees that it is in the national interest to do so.

''(2) REPORTING REQUIREMENT.—Not later than April 15, 2008, and semi-annually thereafter, the Administrator for Federal Procurement Policy shall submit to the appropriate congressional committees a report on waivers granted under paragraph (1).

''(d) IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.—Not later than 120 days after the date of the enactment of this Act [Dec. 31, 2007], the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) to provide for the implementation of the requirements of this section.

''(e) REPORT.—Not later than one year after the date the Federal Acquisition Regulation is amended under subsection (e) to implement the requirements of this section, the Administrator of General Services, with the assistance of other executive agencies, shall submit to the Office of Management and Budget and the appropriate congressional committees a report on the actions taken under this section.

''SEC. 7. SENSE OF CONGRESS ON EFFORTS BY OTHER COUNTRIES.

''It is the sense of Congress that the governments of all other countries should adopt measures, similar to those contained in this Act, to publicize the activities of all persons that, through their financial dealings, knowingly or unknowingly enable the Government of Sudan to continue to oppress and commit genocide against people in the Darfur region and other regions of Sudan, and to authorize divestment from, and the avoidance of further investment in, such persons.

''SEC. 8. SENSE OF CONGRESS ON PEACEKEEPING EFFORTS IN SUDAN.

''It is the sense of Congress that the President should—

''(1) continue to work with other members of the international community, including the Permanent Members of the United Nations Security Council, the African Union, the European Union, the Arab League, and the Government of Sudan to facilitate the urgent deployment of a peacekeeping force to Sudan; and

''(2) bring before the United Nations Security Council, and call for a vote on, a resolution requiring meaningful multilateral sanctions against the Government of Sudan in response to its acts of genocide against the people of Darfur and its continued refusal to allow the implementation of a peacekeeping force in Sudan.

''SEC. 9. SENSE OF CONGRESS ON THE INTERNATIONAL OBLIGATIONS OF THE UNITED STATES.

''It is the sense of Congress that nothing in this Act—

''(1) conflicts with the international obligations or commitments of the United States; or

''(2) affects article VI, clause 2, of the Constitution of the United States.

''SEC. 10. REPORTS ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

''(a) IN GENERAL.—The Secretary of State and the Secretary of the Treasury shall submit to the appropriate congressional committees a report assessing the effectiveness of sanctions imposed with respect to Sudan at the time the Secretary of State and the Secretary of the Treasury submits [sic] reports required under—

''(1) the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note);

''(2) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note); and

''(3) the Darfur Peace and Accountability Act of 2006 (Public Law 109–344; 50 U.S.C. 1701 note).

''(b) ADDITIONAL REPORT BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall submit to the appropriate congressional committees a report assessing the effectiveness of sanctions imposed with respect to Sudan under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) at the time the President submits the reports required by section 204(c) of such Act (50 U.S.C. 1703(c)) with respect to Executive Order 13,067 [13067] (50 U.S.C. 1701 note; relating to blocking property of persons in connection with the conflict in Sudan's region of Darfur).

''(c) CONTENTS.—The reports required by subsections (a) and (b) shall include—

''(1) a description of each sanction imposed under a law or executive order described in subsection (a) or (b);

''(2) the name of the person subject to the sanction, if any; and

''(3) whether or not the person subject to the sanction is also subject to sanctions imposed by the United Nations.

''SEC. 11. REPEAL OF REPORTING REQUIREMENT.

''Section 6305 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 172) is repealed.

''SEC. 12. TERMINATION.

''The provisions of sections 3, 4, 5, 6, and 10 shall terminate 30 days after the date on which the President has certified to Congress that the Government of Sudan has honored its commitments to—

''(1) abide by United Nations Security Council Resolution 1769 (2007);

''(2) cease attacks on civilians;

''(3) demobilize and demilitarize the Janjaweed and associated militias;

''(4) grant free and unfettered access for delivery of humanitarian assistance; and

''(5) allow for the safe and voluntary return of refugees and internally displaced persons.''

DARFUR PEACE AND ACCOUNTABILITY

Pub. L. 109–344, Oct. 13, 2006, 120 Stat. 1869, provided that:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Darfur Peace and Accountability Act of 2006'.

''(b) TABLE OF CONTENTS.—[Omitted.]

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) AMIS.—The term 'AMIS' means the African Union Mission in Sudan.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means

the Committee on Foreign Relations of the Senate and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives.

''(3) COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.—The term 'Comprehensive Peace Agreement for Sudan' means the peace agreement signed by the Government of Sudan and the SPLM/A in Nairobi, Kenya, on January 9, 2005.

''(4) DARFUR PEACE AGREEMENT.—The term 'Darfur Peace Agreement' means the peace agreement signed by the Government of Sudan and by Minni Minnawi, leader of the Sudan Liberation Movement/Army Faction, in Abuja, Nigeria, on May 5, 2006.

''(5) GOVERNMENT OF SUDAN.—The term 'Government of Sudan'—

''(A) means—

''(i) the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front); or

''(ii) any successor government formed on or after the date of the enactment of this Act [Oct. 13, 2006] (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan); and

''(B) does not include the regional government of Southern Sudan.

''(6) OFFICIALS OF THE GOVERNMENT OF SUDAN.—The term 'official of the Government of Sudan' does not include any individual—

''(A) who was not a member of such government before July 1, 2005; or

''(B) who is a member of the regional government of Southern Sudan.

''(7) SPLM/A.—The term 'SPLM/A' means the Sudan People's Liberation Movement/Army.

''SEC. 3. FINDINGS.

''Congress makes the following findings:

''(1) On July 23, 2004, Congress declared, 'the atrocities unfolding in Darfur, Sudan, are genocide'.

''(2) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, 'genocide has occurred and may still be occurring in Darfur', and 'the Government of Sudan and the Janjaweed bear responsibility'.

''(3) On September 21, 2004, in an address before the United Nations General Assembly, President George W. Bush affirmed the Secretary of State's finding and stated, '[a]t this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide'.

''(4) On July 30, 2004, the United Nations Security Council passed Security Council Resolution 1556 (2004), calling upon the Government of Sudan to disarm the Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, and establishing a ban on the sale or supply of arms and related materiel of all types, including the provision of related technical training or assistance, to all nongovernmental entities and individuals, including the Janjaweed.

''(5) On September 18, 2004, the United Nations Security Council passed Security Council Resolution 1564 (2004), determining that the Government of Sudan had failed to meet its obligations under Security Council Resolution 1556 (2004), calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry on Darfur to investigate violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 (2004) and 1564 (2004), including such actions as to affect Sudan's petroleum sector or individual members of the Government of Sudan.

''(6) The Report of the International Commission of Inquiry on Darfur, submitted to the United Nations Secretary-General on January 25, 2005, established that the 'Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law,' that 'these acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity,' and that officials of the Government of Sudan and other individuals may have acted with 'genocidal intent'.

''(7) On March 24, 2005, the United Nations Security Council passed Security Council Resolution 1590 (2005), establishing the United Nations Mission in Sudan (referred to in this section as the 'UNMIS'), consisting of up to 10,000 military personnel and 715 civilian police tasked with supporting the implementation of the Comprehensive Peace Agreement for Sudan and to 'closely and continuously liaise and coordinate at all levels with the African Union Mission in Sudan (AMIS)', which had been established by the African Union on May 24, 2004, to monitor the implementation of the N'Djamena Humanitarian Ceasefire Agreement, signed on April 8, 2004, 'with a view towards expeditiously reinforcing the effort to foster peace in Darfur'.

''(8) On March 29, 2005, the United Nations Security Council passed Security Council Resolution 1591 (2005), extending the military embargo established by Security Council Resolution 1556 (2004) to all the parties to the N'Djamena Ceasefire Agreement of April 8, 2004, and any other belligerents in the states of North Darfur, South Darfur, and West Darfur, calling for an asset freeze and travel ban against those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, are responsible for offensive military overflights, or violate the military embargo, and establishing a Committee of the Security Council and a panel of experts to assist in monitoring compliance with Security Council Resolutions 1556 (2004) and 1591 (2005).

''(9) On March 31, 2005, the United Nations Security Council passed Security Council Resolution 1593 (2005), referring the situation in Darfur since July 1, 2002, to the prosecutor of the International Criminal Court and calling on the Government of Sudan and all parties to the conflict to cooperate fully with the Court.

''(10) On July 30, 2005, Dr. John Garang de Mabior, the newly appointed Vice President of Sudan and the leader of the SPLM/A for the past 21 years, was killed in a tragic helicopter crash in Southern Sudan, sparking riots in Khartoum and challenging the commitment of all Sudanese to the Comprehensive Peace Agreement for Sudan.

''(11) On January 12, 2006, the African Union Peace and Security Council issued a communique endorsing, in principle, a transition from AMIS to a United Nations peacekeeping operation and requested the Chairperson of the Council to initiate consultations with the United Nations and other stakeholders toward this end.

''(12) On February 3, 2006, the United Nations Security Council issued a Presidential Statement authorizing the initiation of contingency planning for a transition from AMIS to a United Nations peacekeeping operation.

''(13) On March 10, 2006, the African Union Peace and Security Council extended the mandate of AMIS, which had reached a force size of 7,000, to September 30, 2006, while simultaneously endorsing the transition of AMIS to a United Nations peacekeeping operation and setting April 30, 2006 as the deadline for reaching an agreement to resolve the crisis in Darfur.

''(14) On March 24, 2006, the United Nations Security Council passed Security Council Resolution 1663 (2006), which—

''(A) welcomes the African Peace and Security Council's March 10, 2006 communique; and

''(B) requests that the United Nations Secretary-General, jointly with the African Union and in consultation with the parties to the Abuja Peace Talks, expedite planning for the transition of AMIS to a United Nations peacekeeping operation.

''(15) On March 29, 2006, during a speech at Freedom House, President Bush called for a transition to a United Nations peacekeeping operation and 'additional forces with a NATO overlay . . . to provide logistical and command-and-control and airlift capacity, but also to send a clear signal to parties involved that the west is determined to help effect a settlement.'.

''(16) On April 25, 2006, the United Nations Security Council passed Security Council Resolution 1672 (2006), unanimously imposing targeted financial sanctions and travel restrictions on 4 individuals who had been identified as those who, among other acts, 'impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities', including the Commander of the Western Military Region for the armed forces of Sudan, the Paramount Chief of the Jalul Tribe in North Darfur, the Commander of the Sudan Liberation Army, and the Field Commander of the National Movement for Reform and Development.

''(17) On May 5, 2006, under the auspices of African Union mediation and the direct engagement of the international community, including the United States, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement, which addresses security, power sharing, and wealth sharing issues between the parties.

''(18) In August 2006, the Sudanese government began to amass military forces and equipment in the Darfur region in contravention of the Darfur Peace Agreement to which they are signatories in what appears to be preliminary to full scale war.

''(19) On August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), without dissent and with abstentions by China, Russian Federation, and Qatar, thereby asserting that the existing United Nations Mission in Sudan 'shall take over from AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006', and that UNMIS 'shall be strengthened by up to 17,300 military personnel . . . 3,300 civilian police personnel and up to 16 Formed Police Units', which 'shall begin to be deployed [to Darfur] no later than 1 October 2006'.

''(20) Between August 30 and September 3, 2006, President Bashir and other senior members of his administration have publicly rejected United Nations Security Council Resolution 1706 (2006), calling it illegal and a western invasion of his country, despite the current presence of 10,000 United Nations peacekeepers under the UNMIS peacekeeping force.

''(21) Since 1993, the Secretary of State has determined, pursuant to section 6(j) of the Export Administration Act of 1979 (50 App. U.S.C. 2405(j)), that Sudan is a country, the government of which has repeatedly provided support for acts of international terrorism, thereby restricting United States assistance, defense exports and sales, and financial and other transactions with the Government of Sudan.

''SEC. 4. SENSE OF CONGRESS.

''It is the sense of Congress that—

''(1) the genocide unfolding in the Darfur region of Sudan is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan;

''(2) all parties to the conflict in the Darfur region have continued to violate the N'Djamena Ceasefire Agreement of April 8, 2004, and the Abuja Protocols of November 9, 2004, and violence against civilians, humanitarian aid workers, and personnel of AMIS is increasing;

''(3) the African Union should immediately make all necessary preparations for an orderly transition to a United Nations peacekeeping operation, which will maintain an appropriate level of African participation, with a mandate to protect civilians and humanitarian operations, assist in the implementation of the Darfur Peace Agreement, and deter violence in the Darfur region;

''(4) the international community, including the United States and the European Union, should immediately act to mobilize sufficient political, military, and financial resources through the United Nations and the North Atlantic Treaty Organization, to support the transition of AMIS to a United Nations peacekeeping operation with the size, strength, and capacity necessary to protect civilians and humanitarian operations, to assist with the implementation of the Darfur Peace Agreement, and to end the continued violence in the Darfur region;

''(5) if an expanded and reinforced AMIS or subsequent United Nations peacekeeping operation fails to stop genocide in the Darfur region, the international community should take additional measures to prevent and suppress acts of genocide in the Darfur region;

''(6) acting under article 5 of the Charter of the United Nations, the United Nations Security Council should call for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize and demilitarize the Janjaweed and associated militias, and grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region;

''(7) the President should use all necessary and appropriate diplomatic means to ensure the full discharge of the responsibilities of the Committee of the United Nations Security Council and the panel of experts established pursuant to section 3(a) of Security Council Resolution 1591 (2005);

''(8) the President should direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to urge the adoption of a resolution by the United Nations Security Council that—

''(A) extends the military embargo established by United Nations Security Resolutions 1556 (2004) and 1591 (2005) to include a total ban on the sale or supply of offensive military equipment to the Government of Sudan, except for use in an internationally recognized demobilization program or for nonlethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan or the Darfur Peace Agreement; and

''(B) calls upon those member states of the United Nations that continue to undermine efforts to foster peace in Sudan by providing military assistance to the Government of Sudan, government supported militias, or any rebel group operating in Darfur in violation of the embargo on such assistance and equipment, as called for in United Nations Security Council Resolutions 1556 (2004) and 1591 (2005), to immediately cease and desist.

''(9) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement, the support of the regional Government of Southern Sudan, the Transitional Darfur Regional Authority, and marginalized areas in Northern Sudan (including the Nuba Mountains, Southern Blue Nile, Abyei, Eastern Sudan (Beja), Darfur, and Nubia), or for humanitarian purposes in Sudan, until

the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for the safe and voluntary return of refugees and internally displaced persons;

''(10) the President should seek to assist members of the Sudanese diaspora in the United States by establishing a student loan forgiveness program for those individuals who commit to return to Southern Sudan for a period of not less than 5 years for the purpose of contributing professional skills needed for the reconstruction of Southern Sudan;

''(11) the Presidential Special Envoy for Sudan should be provided with appropriate resources and a clear mandate to—

''(A) provide stewardship of efforts to implement the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement;

''(B) seek ways to bring stability and peace to the Darfur region;

''(C) address instability elsewhere in Sudan, Chad, and northern Uganda; and

''(D) pursue a truly comprehensive peace throughout the region;

''(12) the international community should strongly condemn attacks against humanitarian workers and African Union personnel, and the forcible recruitment of refugees and internally displaced persons from camps in Chad and Sudan, and demand that all armed groups in the region, including the forces of the Government of Sudan, the Janjaweed, associated militias, the Sudan Liberation Movement/Army, the Justice and Equality Movement, the National Movement for Reform and Development (NMRD), and all other armed groups refrain from such activities;

''(13) the United States should fully support the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement and urge rapid implementation of their terms;

''(14) the May 5, 2006[,] signing of the Darfur Peace Agreement between the Government of Sudan and the Sudan Liberation Movement was a positive development in a situation that has seen little political progress in 2 years and should be seized upon by all sides to begin the arduous process of post-conflict reconstruction, restitution, justice, and reconciliation; and

''(15) the new leadership of the Sudan People's Liberation Movement (referred to in this paragraph as 'SPLM') should—

''(A) seek to transform SPLM into an inclusive, transparent, and democratic body;

''(B) reaffirm the commitment of SPLM to—

''(i) bring peace to Southern Sudan, the Darfur region, and Eastern Sudan; and

''(ii) eliminate safe haven for regional rebel movements, such as the Lord's Resistance Army; and

''(C) remain united in the face of efforts to undermine SPLM.

''SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

''(a) BLOCKING OF ASSETS AND RESTRICTION ON VISAS.—[Amended Pub. L. 108–497, set out below.]

''(b) WAIVER.—[Amended Pub. L. 108–497, set out below.]

''(c) SANCTIONS AGAINST JANJAWEED COMMANDERS AND COORDINATORS OR OTHER INDIVIDUALS.—It is the sense of Congress, that the President should immediately impose the sanctions described in section 6(c) of the Comprehensive Peace in Sudan Act of 2004 [Pub. L. 108–497, set out below], as added by subsection (a), against any individual, including the Janjaweed commanders and coordinators, identified as those who, among other acts, 'impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities'.

''SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUPPRESS GENOCIDE IN DARFUR.

''(a) PRESIDENTIAL ASSISTANCE TO SUPPORT AMIS.—Subject to subsection (b) and notwithstanding any other provision of law, the President is authorized to provide AMIS with—

''(1) assistance for any expansion of the mandate, size, strength, and capacity to protect civilians and humanitarian operations in order to help stabilize the Darfur region of Sudan and dissuade and deter air attacks directed against civilians and humanitarian workers; and

''(2) assistance in the areas of logistics, transport, communications, material support, technical assistance, training, command and control, aerial surveillance, and intelligence.

''(b) CONDITIONS.—

''(1) IN GENERAL.—Assistance provided under subsection (a)—

''(A) shall be used only in the Darfur region; and

''(B) shall not be provided until AMIS has agreed not to transfer title to, or possession of, any such assistance to anyone not an officer, employee or agent of AMIS (or subsequent United Nations peacekeeping operation), and not to use or to permit the use of such assistance for any purposes other than those for which such assistance was furnished, unless the consent of the President has first been obtained, and written assurances reflecting all of the forgoing have been obtained from AMIS by the President.

''(2) CONSENT.—If the President consents to the transfer of such assistance to anyone not an officer, employee, or agent of AMIS (or subsequent United Nations peacekeeping operation), or agrees to permit the use of such assistance for any purposes other than those for which such assistance was furnished, the President shall immediately notify the Committee on Foreign Relations of the Senate and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

''(c) NATO ASSISTANCE TO SUPPORT AMIS.—It is the sense of Congress that the President should continue to instruct the United States Permanent Representative to the North Atlantic Treaty Organization (referred to in this section as 'NATO') to use the voice, vote, and influence of the United States at NATO to—

''(1) advocate NATO reinforcement of the AMIS and its orderly transition to a United Nations peacekeeping operation, as appropriate;

''(2) provide assets to help dissuade and deter air strikes directed against civilians and humanitarian workers in the Darfur region of Sudan; and

''(3) provide other logistical, transportation, communications, training, technical assistance, command and control, aerial surveillance, and intelligence support.

''(d) RULE OF CONSTRUCTION.—Nothing in this Act, or any amendment made by this Act, shall be construed as a provision described in section 5(b)(1) or 8(a)(1) of the War Powers Resolution (Public Law 93–148; 50 U.S.C. 1544(b), 1546(a)(1) [1547(a)(1)]).

''(e) DENIAL OF ENTRY AT UNITED STATES PORTS TO CERTAIN CARGO SHIPS OR OIL TANKERS.—

''(1) IN GENERAL.—The President should take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues, including by prohibiting entry at United States ports to cargo ships or oil tankers engaged in business or trade activities in the oil sector of Sudan or involved in the shipment of goods for use by the armed forces of Sudan until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons.

''(2) EXCEPTION.—Paragraph (1) shall not apply with respect to cargo ships or oil tankers involved in—

''(A) an internationally-recognized demobilization program;

''(B) the shipment of non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan or the Darfur Peace Agreement; or

''(C) the shipment of military assistance necessary to carry out elements of an agreement referred to in subparagraph (B) if the President has made the determination set forth in section 8(c)(2).

''(f) PROHIBITION ON ASSISTANCE TO COUNTRIES IN VIOLATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 1556 AND 1591.—

''(1) PROHIBITION.—Amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be used to provide assistance (other than humanitarian assistance) to the government of a country that is in violation of the embargo on military assistance with respect to Sudan imposed pursuant to United Nations Security Council Resolutions 1556 (2004) and 1591 (2005).

''(2) WAIVER.—The President may waive the application of paragraph (1) if the President determines, and certifies to the appropriate congressional committees, that such waiver is in the national interests of the United States.

''SEC. 7. CONTINUATION OF RESTRICTIONS.

''(a) IN GENERAL.—Restrictions against the Government of Sudan that were imposed pursuant to Executive Order No. 13067 of November 3, 1997 (62 Federal Register 59989) [listed in a table below], title III and sections 508, 512, 527, and 569 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) [119 Stat. 2191, 2197, 2199, 2205, 2228], or any other similar provision of law, shall remain in effect, and shall not be lifted pursuant to such provisions of law, until the President certifies to the appropriate congressional committees that the Government of Sudan is acting in good faith to—

''(1) implement the Darfur Peace Agreement;

''(2) disarm, demobilize, and demilitarize the Janjaweed and all militias allied with the Government of Sudan;

''(3) adhere to all associated United Nations Security Council Resolutions, including Security Council Resolutions 1556 (2004), 1564 (2004), 1591 (2005), 1593 (2005), 1663 (2006), 1665 (2006), and 1706 (2006);

''(4) negotiate a peaceful resolution to the crisis in eastern Sudan;

''(5) fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lord's Resistance Army in Sudan; and

''(6) fully implement the Comprehensive Peace Agreement for Sudan without manipulation or delay, by—

''(A) implementing the recommendations of the Abyei Boundaries Commission Report;

''(B) establishing other appropriate commissions and implementing and adhering to the recommendations of such commissions consistent with the terms of the Comprehensive Peace Agreement for Sudan;

''(C) adhering to the terms of the Wealth Sharing Agreement; and

''(D) withdrawing government forces from Southern Sudan consistent with the terms of the Comprehensive Peace Agreement for Sudan.

''(b) WAIVER.—The President may waive the application of subsection (a) if the President determines, and certifies to the appropriate congressional committees, that such waiver is in the national interests of the United States.

''SEC. 8. ASSISTANCE EFFORTS IN SUDAN.

''(a) ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL ACT.—[Repealed section 501 of Pub. L. 106–570, formerly set out below.]

''(b) COMPREHENSIVE PEACE IN SUDAN ACT.—[Amended Pub. L. 108–497, set out below.]

''(c) ECONOMIC ASSISTANCE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to provide economic assistance for Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, Darfur, and marginalized areas in and around Khartoum, in an effort to provide emergency relief, to promote economic self-sufficiency, to build civil authority, to provide education, to enhance rule of law and the development of judicial and legal frameworks, and to support people to people reconciliation efforts, or to implement any nonmilitary program in support of any viable peace agreement in Sudan, including the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement.

''(2) CONGRESSIONAL NOTIFICATION.—Assistance may not be obligated under this subsection until 15 days after the date on which the Secretary of State notifies the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) of such obligation in accordance with the procedures applicable to reprogramming notifications under such section.

''(d) AUTHORIZED MILITARY ASSISTANCE.—

''(1) IN GENERAL.—If the President has not made a certification under section 12(a)(3) of the Sudan Peace Act [Pub. L. 107–245] (50 U.S.C. 1701 note) regarding the noncompliance of the SPLM/A or the Government of Southern Sudan with the Comprehensive Peace Agreement for Sudan, the President, notwithstanding any other provision of law, may authorize, for each of fiscal years 2006, 2007, and 2008, the provision of the following assistance to the Government of Southern Sudan for the purpose of constituting a professional military force—

''(A) non-lethal military equipment and related defense services, including training, controlled under the International Traffic in Arms Regulations (22 C.F.R. 120.1 et seq.) if the President—

''(i) determines that the provision of such items is in the national security interest of the United States; and

''(ii) not later than 15 days before the provision of any such items, notifies the Committee on Foreign Relations of the Senate and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives of such determination; and

''(B) small arms and ammunition under categories I and III of the United States Munitions List (22 C.F.R. 121.1 et seq.) if the President—

''(i) determines that the provision of such equipment is essential to the national security interests of the United States; and

''(ii) consistent with the procedures set forth in section 614(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)(3)), notifies the Committee on Foreign Relations of the Senate and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives of such determination.

''(2) END USE ASSURANCES.—For each item exported pursuant to this subsection or subsection (c), the President shall include with the notification to Congress under subparagraphs (A)(ii) and (B)(ii) of paragraph (1)—

''(A) an identification of the end users to which the provision of assistance is being made;

''(B) the dollar value of the items being provided;

''(C) a description of the items being provided; and

''(D) a description of the end use verification procedures that will be applied to such items, including—

''(i) any special assurances obtained from the Government of Southern Sudan or other authorized end users regarding such equipment; and

''(ii) the end use or retransfer controls that will be applied to any items provided under this subsection.

''(3) WAIVER AUTHORITY.—Section 40 of the Arms Export Control Act (22 U.S.C. 2780) shall not apply to assistance provided under paragraph (1).

''(e) EXCEPTION TO PROHIBITIONS IN EXECUTIVE ORDER NUMBER 13067.—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 13067 (62 Fed. Reg. 59989) [listed in a table below] shall not apply to activities or related transactions with respect to Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, Darfur, or marginalized areas in and around Khartoum.

''SEC. 9. REPORTING REQUIREMENTS.

''[Amended Pub. L. 107–245, set out below.]''

[Functions of President under section 6(a), (b), (f) of Pub. L. 109–344, set out above, assigned to Secretary of State by Memorandum of President of the United States, Jan. 25, 2007, 72 F.R. 5149.]

[Functions of President under sections 7 and 8 of Pub. L. 109–344, set out above, assigned to Secretary of State by section 4(e) of Ex. Ord. No. 13412, Oct. 13, 2006, 71 F.R. 61370, listed in a table below.]

CODIFICATION OF SANCTIONS AGAINST IRAN

Pub. L. 109–293, title I, §101, Sept. 30, 2006, 120 Stat. 1344, provided that:

''(a) CODIFICATION OF SANCTIONS.—Except as otherwise provided in this section, United States sanctions with respect to Iran imposed pursuant to sections 1 and 3 of Executive Order No. 12957 [listed in a table below], sections 1(e), (1)(g), and (3) of Executive Order No. 12959 [listed in a table below], and sections 2, 3, and 5 of Executive Order No. 13059 [listed in a table below] (relating to exports and certain other transactions with Iran) as in effect on January 1, 2006, shall remain in effect. The President may terminate such sanctions, in whole or in part, if the President notifies Congress at least 15 days in advance of such termination. In the event of exigent circumstances, the President may exercise the authority set forth in the preceding sentence without regard to the notification requirement stated therein, except that such notification shall be provided as early as practicable, but in no event later than three working days after such exercise of authority.

''(b) NO EFFECT ON OTHER SANCTIONS RELATING TO SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—Nothing in this Act [see Short Title of 2006 Amendment note above] shall affect any United States sanction, control, or regulation as in effect on January 1, 2006, relating to a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) that the Government of Iran has repeatedly provided support for acts of international terrorism.''

BURMESE FREEDOM AND DEMOCRACY

Pub. L. 110–286, July 29, 2008, 122 Stat. 2632, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008'.

''SEC. 2. FINDINGS.

''Congress makes the following findings:

''(1) Beginning on August 19, 2007, hundreds of thousands of citizens of Burma, including thousands of Buddhist monks and students, participated in peaceful demonstrations against rapidly deteriorating living conditions and the violent and repressive policies of the State Peace and Development Council (SPDC), the ruling military regime in Burma—

''(A) to demand the release of all political prisoners, including 1991 Nobel Peace Prize winner Aung San Suu Kyi; and

''(B) to urge the regime to engage in meaningful dialogue to pursue national reconciliation.

''(2) The Burmese regime responded to these peaceful protests with a violent crackdown leading to the reported killing of approximately 200 people, including a Japanese photojournalist, and hundreds of injuries. Human rights groups further estimate that over 2,000 individuals have been detained, arrested, imprisoned, beaten, tortured, or otherwise intimidated as part of this crackdown. Burmese military, police, and their affiliates in the Union Solidarity Development Association (USDA) perpetrated almost all of these abuses. The Burmese regime continues to detain, torture, and otherwise intimidate those individuals whom [sic] it believes participated in or led the protests and it has closed down or otherwise limited access to several monasteries and temples that played key roles in the peaceful protests.

''(3) The Department of State's 2006 Country Reports on Human Rights Practices found that the SPDC—

''(A) routinely restricts freedoms of speech, press, assembly, association, religion, and movement;

''(B) traffics in persons;

''(C) discriminates against women and ethnic minorities;

''(D) forcibly recruits child soldiers and child labor; and

''(E) commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives.

''(4) Aung San Suu Kyi has been arbitrarily imprisoned or held under house arrest for more than 12 years.

''(5) In October 2007, President Bush announced a new Executive Order to tighten economic sanctions against Burma and block property and travel to the United States by certain senior leaders of the SPDC, individuals who provide financial backing for the SPDC, and individuals responsible for human rights violations and impeding democracy in Burma. Additional names were added in updates done on October 19, 2007, and February 5, 2008. However, only 38 discrete individuals and 13 discrete companies have been designated under those sanctions, once aliases and companies with similar names were removed. By contrast, the Australian Government identified more than 400 individuals and entities subject to its sanctions applied in the wake of the 2007 violence. The European Union's regulations to implement sanctions against Burma have identified more than 400 individuals among the leadership of government, the military, and the USDA, along with nearly 1300 state and military-run companies potentially subject to its sanctions.

''(6) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities in part through financial transactions, travel, and trade involving the United States, including the sale of petroleum products, gemstones and hardwoods.

''(7) In 2006, the Burmese regime earned more than $500 million from oil and gas projects, over $500 million from sale of hardwoods, and in excess of $300 million from the sale of rubies and jade. At least $500 million of the $2.16 billion earned in 2006 from Burma's two natural gas pipelines, one of which is 28 percent owned by a United States company, went to the Burmese regime. The regime has earned smaller amounts from oil and gas exploration and non-operational pipelines but United States investors are not involved in those transactions. Industry sources estimate that over $100 million annually in Burmese rubies and jade enters the United States. Burma's official statistics report that Burma exported $500 million in hardwoods in 2006 but NGOs estimate the true figure to exceed $900 million. Reliable statistics on the amount of hardwoods imported into the United States from Burma in the form of finished products are not available, in part due to widespread illegal logging and smuggling.

''(8) The SPDC seeks to evade the sanctions imposed in the Burmese Freedom and Democracy Act of 2003 [Pub. L. 108–61, set out below]. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States, but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade sanctions. For example, according to gem industry experts, over 90 percent of the world's ruby supply originates in Burma but only 3 percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is predominantly based on their original quality and geological origin, rather than the labor involved in cutting and polishing the gemstones.

''(9) According to hardwood industry experts, Burma is home to approximately 60 percent of the world's native teak reserves. More than ¼ of the world's internationally traded teak originates from Burma, and hardwood sales, mainly of teak, represent more than 11 percent of Burma's official foreign exchange earnings.

''(10) The SPDC owns a majority stake in virtually all enterprises responsible for the extraction and trade of Burmese natural resources, including all mining operations, the Myanmar Timber Enterprise, the Myanmar Gems Enterprise, the Myanmar Pearl Enterprise, and the Myanmar Oil and Gas Enterprise. Virtually all profits from these enterprises enrich the SPDC.

''(11) On October 11, 2007, the United Nations Security Council, with the consent of the People's Republic of China, issued a statement condemning the violence in Burma, urging the release of all political prisoners, and calling on the SPDC to enter into a United Nations-mediated dialogue with its political opposition.

''(12) The United Nations special envoy Ibrahim Gambari traveled to Burma from September 29, 2007, through October 2, 2007, holding meetings with SPDC leader General Than Shwe and democracy advocate Aung San Suu Kyi in an effort to promote dialogue between the SPDC and democracy advocates.

''(13) The leaders of the SPDC will have a greater incentive to cooperate with diplomatic efforts by the United Nations, the Association of Southeast Asian Nations, and the People's Republic of China if they come under targeted economic pressure that denies them access to personal wealth and sources of revenue.

''(14) On the night of May 2, 2008, through the morning of May 3, 2008, tropical cyclone Nargis struck the coast of Burma, resulting in the deaths of tens of thousands of Burmese.

''(15) The response to the cyclone by Burma's military leaders illustrates their fundamental lack of concern for the welfare of the Burmese people. The regime did little to warn citizens of the cyclone, did not provide adequate humanitarian assistance to address basic needs and prevent loss of life, and continues to fail to provide life-protecting and life-sustaining services to its people.

''(16) The international community responded immediately to the cyclone and attempted to provide humanitarian assistance. More than 30 disaster assessment teams from 18 different nations and the United Nations arrived in the region, but the Burmese regime denied them permission to enter the country. Eventually visas were granted to aid workers, but the regime continues to severely limit their ability to provide assistance in the affected areas.

''(17) Despite the devastation caused by Cyclone Nargis, the junta went ahead with its referendum on a constitution drafted by an illegitimate assembly, conducting voting in unaffected areas on May 10, 2008, and in portions of the affected Irrawaddy region and Rangoon on May 26, 2008.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms 'account', 'correspondent account', and 'payable-through account' have the meanings given the terms in section 5318A(e)(1) of title 31, United States Code.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Relations of the Senate;

''(B) the Committee on Finance of the Senate;

''(C) the Committee on Foreign Affairs of the House of Representatives; and

''(D) the Committee on Ways and Means of the House of Representatives.

''(3) ASEAN.—The term 'ASEAN' means the Association of Southeast Asian Nations.

''(4) PERSON.—The term 'person' means—

''(A) an individual, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group; and

''(B) any successor, subunit, or subsidiary of any person described in subparagraph (A).

''(5) SPDC.—The term 'SPDC' means the State Peace and Development Council, the ruling military regime in Burma.

''(6) UNITED STATES PERSON.—The term 'United States person' means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States.

''SEC. 4. STATEMENT OF POLICY.

''It is the policy of the United States to—

''(1) condemn the continued repression carried out by the SPDC;

''(2) work with the international community, especially the People's Republic of China, India, Thailand, and ASEAN, to foster support for the legitimate democratic aspirations of the people of Burma and to coordinate efforts to impose sanctions on those directly responsible for human rights abuses in Burma;

''(3) provide all appropriate support and assistance to aid a peaceful transition to constitutional democracy in Burma;

''(4) support international efforts to alleviate the suffering of Burmese refugees and address the urgent humanitarian needs of the Burmese people; and

''(5) identify individuals responsible for the repression of peaceful political activity in Burma and hold them accountable for their actions.

''SEC. 5. SANCTIONS.

''(a) VISA BAN.—

''(1) IN GENERAL.—The following persons shall be ineligible for a visa to travel to the United States:

''(A) Former and present leaders of the SPDC, the Burmese military, or the USDA.

''(B) Officials of the SPDC, the Burmese military, or the USDA involved in the repression of peaceful political activity or in other gross violations of human rights in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC.

''(C) Any other Burmese persons who provide substantial economic and political support for the SPDC, the Burmese military, or the USDA.

''(D) The immediate family members of any person described in subparagraphs (A) through (C).

''(2) WAIVER.—The President may waive the visa ban described in paragraph (1) only if the President determines and certifies in writing to Congress that travel by the person seeking such a waiver is in the national interests of the United States.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to conflict with the provisions of section 694 of the Consolidated Appropriations Act, 2008 (Public Law 110–161) [121 Stat. 2366], nor shall this subsection be construed to make ineligible for a visa members of ethnic groups in Burma

now or previously opposed to the regime who were forced to provide labor or other support to the Burmese military and who are otherwise eligible for admission into the United States.

''(b) FINANCIAL SANCTIONS.—

''(1) BLOCKED PROPERTY.—No property or interest in property belonging to a person described in subsection (a)(1) may be transferred, paid, exported, withdrawn, or otherwise dealt with if—

''(A) the property is located in the United States or within the possession or control of a United States person, including the overseas branch of a United States person; or

''(B) the property comes into the possession or control of a United States person after the date of the enactment of this Act [July 29, 2008].

''(2) FINANCIAL TRANSACTIONS.—Except with respect to transactions authorized under Executive Orders 13047 (May 20, 1997) and 13310 (July 28, 2003) [listed in a table below], no United States person may engage in a financial transaction with the SPDC or with a person described in subsection (a)(1).

''(3) PROHIBITED ACTIVITIES.—Activities prohibited by reason of the blocking of property and financial transactions under this subsection shall include the following:

''(A) Payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, including any United States financial institution and any branch or office of such financial institution that is located outside the United States, to the SPDC or to an individual described in subsection (a)(1).

''(B) The export or reexport directly or indirectly, of any goods, technology, or services by a United States person to the SPDC, to an individual described in subsection (a)(1) or to any entity owned, controlled, or operated by the SPDC or by an individual described in such subsection.

''(c) AUTHORITY FOR ADDITIONAL BANKING SANCTIONS.—

''(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution (as that term is defined in section 5312 of title 31, United States Code) or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution, if the Secretary determines that the account might be used—

''(A) by a foreign banking institution that holds property or an interest in property belonging to the SPDC or a person described in subsection (a)(1); or

''(B) to conduct a transaction on behalf of the SPDC or a person described in subsection (a)(1).

''(2) AUTHORITY TO DEFINE TERMS.—The Secretary of the Treasury may, by regulation, further define the terms used in paragraph (1) for purposes of this section, as the Secretary considers appropriate.

''(d) LIST OF SANCTIONED OFFICIALS.—

''(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act [July 29, 2008], the President shall transmit to the appropriate congressional committees a list of—

''(A) former and present leaders of the SPDC, the Burmese military, and the USDA;

''(B) officials of the SPDC, the Burmese military, or the USDA involved in the repression of peaceful political activity in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC;

''(C) any other Burmese persons or entities who provide substantial economic and political support for the SPDC, the Burmese military, or the USDA; and

''(D) the immediate family members of any person described in subparagraphs (A) through (C) whom [sic] the President determines effectively controls property in the United States or has benefitted from a financial transaction with any United States person.

''(2) CONSIDERATION OF OTHER DATA.—In preparing the list required under paragraph (1), the President shall consider the data already obtained by other countries and entities that apply sanctions against Burma, such as the Australian Government and the European Union.

''(3) UPDATES.—The President shall transmit to the appropriate congressional committees updated lists of the persons described in paragraph (1) as new information becomes available.

''(4) IDENTIFICATION OF INFORMATION.—The Secretary of State and the Secretary of the Treasury shall devote sufficient resources to the identification of information concerning potential persons to be sanctioned to carry out the purposes described in this Act.

''(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit any contract or other financial transaction with any nongovernmental humanitarian organization in Burma.

''(f) EXCEPTIONS.—

''(1) IN GENERAL.—The prohibitions and restrictions described in subsections (b) and (c) shall not apply to medicine, medical equipment or supplies, food or feed, or any other form of humanitarian assistance provided to Burma.

''(2) REGULATORY EXCEPTIONS.—For the following purposes, the Secretary of State may, by regulation, authorize exceptions to the prohibition and restrictions described in subsection (a), and the Secretary of the Treasury may, by regulation, authorize exceptions to the prohibitions and restrictions described in subsections (b) and (c)—

''(A) to permit the United States and Burma to operate their diplomatic missions, and to permit the United States to conduct other official United States Government business in Burma;

''(B) to permit United States citizens to visit Burma; and

''(C) to permit the United States to comply with the United Nations Headquarters Agreement and other applicable international agreements.

''(g) PENALTIES.—Any person who violates any prohibition or restriction imposed pursuant to subsection (b) or (c) shall be subject to the penalties under section 6 [probably means section 206] of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act [50 U.S.C. 1701 et seq.].

''(h) TERMINATION OF SANCTIONS.—The sanctions imposed under subsection (a), (b), or (c) shall apply until the President determines and certifies to the appropriate congressional committees that the SPDC has—

''(1) unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy;

''(2) entered into a substantive dialogue with democratic forces led by the National League for Democracy and the ethnic minorities of Burma on transitioning to democratic government under the rule of law; and

''(3) allowed humanitarian access to populations affected by armed conflict in all regions of Burma.

''(i) WAIVER.—The President may waive the sanctions described in subsections (b) and (c) if the President determines and certifies to the appropriate congressional committees that such waiver is in the national interest of the United States.

''SEC. 6. AMENDMENTS TO THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

''(a) IN GENERAL.—[Amended Pub. L. 108–61, set out below.]

''(b) DURATION OF SANCTIONS.—

''(1) CONTINUATION OF IMPORT SANCTIONS.—[Amended Pub. L. 108–61, set out below.]

''(2) RENEWAL RESOLUTIONS.—[Amended Pub. L. 108–61, set out below.]

''(3) EFFECTIVE DATE.—

''(A) IN GENERAL.—The amendments made by this subsection take effect on the day after the date of the enactment of 5th [sic] renewal resolution enacted into law after the date of the enactment of the Burmese Freedom and Democracy Act of 2003 [July 28, 2003], or the date of the enactment of this Act [July 29, 2008], whichever occurs later.

''(B) RENEWAL RESOLUTION DEFINED.—In this paragraph, the term 'renewal resolution' means a renewal resolution described in section 9(c) of the Burmese Freedom and Democracy Act of 2003 [Pub. L. 108–61, set out below] that is enacted into law in accordance with such section.

''(c) CONFORMING AMENDMENT.—[Amended Pub. L. 108–61, set out below.]

''SEC. 7. SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

''(a) UNITED STATES SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.—The President shall appoint a Special Representative and Policy Coordinator for Burma, by and with the advice and consent of the Senate.

''(b) RANK.—The Special Representative and Policy Coordinator for Burma appointed under subsection (a) shall have the rank of ambassador and shall hold the office at the pleasure of the President. Except for the position of United States Ambassador to the Association of Southeast Asian Nations, the Special Representative and Policy Coordinator may not simultaneously hold a separate position within the executive branch, including the Assistant Secretary of State, the Deputy Assistant Secretary of State, the United States Ambassador to Burma, or the Charge d'affairs to Burma.

''(c) DUTIES AND RESPONSIBILITIES.—The Special Representative and Policy Coordinator for Burma shall—

''(1) promote a comprehensive international effort, including multilateral sanctions, direct dialogue with the SPDC and democracy advocates, and support for nongovernmental organizations operating in Burma and neighboring countries, designed to restore civilian democratic rule to Burma and address the urgent humanitarian needs of the Burmese people;

''(2) consult broadly, including with the Governments of the People's Republic of China, India, Thailand, and Japan, and the member states of ASEAN and the European Union to coordinate policies toward Burma;

''(3) assist efforts by the United Nations Special Envoy to secure the release of all political prisoners in Burma and to promote dialogue between the SPDC and leaders of Burma's democracy movement, including Aung San Suu Kyi;

''(4) consult with Congress on policies relevant to Burma and the future and welfare of all the Burmese people, including refugees; and

''(5) coordinate the imposition of Burma sanctions within the United States Government and with the relevant international financial institutions.

''SEC. 8. SUPPORT FOR CONSTITUTIONAL DEMOCRACY IN BURMA.

''(a) IN GENERAL.—The President is authorized to assist Burmese democracy activists who are dedicated to nonviolent opposition to the SPDC in their efforts to promote freedom, democracy, and human rights in Burma.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to the Secretary of State for fiscal year 2008 to—

''(1) provide aid to democracy activists in Burma;

''(2) provide aid to individuals and groups conducting democracy programming outside of Burma targeted at a peaceful transition to constitutional democracy inside Burma; and

''(3) expand radio and television broadcasting into Burma.

''SEC. 9. SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS ADDRESSING THE HUMANITARIAN NEEDS OF THE BURMESE PEOPLE.

''(a) SENSE OF CONGRESS.—It is the sense of Congress that the international community should increase support for nongovernmental organizations attempting to meet the urgent humanitarian needs of the Burmese people.

''(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—[Amended Pub. L. 108–61, set out below.]

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated $11,000,000 to the Secretary of State for fiscal year 2008 to support operations by nongovernmental organizations, subject to paragraph (2), designed to address the humanitarian needs of the Burmese people inside Burma and in refugee camps in neighboring countries.

''(2) LIMITATION.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), amounts appropriated pursuant to paragraph (1) may not be provided to—

''(i) SPDC-controlled entities;

''(ii) entities run by members of the SPDC or their families; or

''(iii) entities providing cash or resources to the SPDC, including organizations affiliated with the United Nations.

''(B) WAIVER.—The President may waive the funding restriction described in subparagraph (A) if—

''(i) the President determines and certifies to the appropriate congressional committees that such waiver is in the national interests of the United States;

''(ii) a description of the national interests need for the waiver is submitted to the appropriate congressional committees; and

''(iii) the description submitted under clause (ii) is posted on a publicly accessible Internet Web site of the Department of State.

''SEC. 10. REPORT ON MILITARY AND INTELLIGENCE AID TO BURMA.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [July 29, 2008] and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a list of countries, companies, and other entities that provide military or intelligence aid to the SPDC and describing such military or intelligence aid provided by each such country, company, and other entity.

''(b) MILITARY OR INTELLIGENCE AID DEFINED.—For the purpose of this section, the term 'military or intelligence aid' means, with respect to the SPDC—

''(1) the provision of weapons, weapons parts, military vehicles, or military aircraft;

''(2) the provision of military or intelligence training, including advice and assistance on subject matter expert exchanges;

''(3) the provision of weapons of mass destruction and related materials, capabilities, and technology, including nuclear, chemical, or dual-use capabilities;

''(4) conducting joint military exercises;

''(5) the provision of naval support, including ship development and naval construction;

''(6) the provision of technical support, including computer and software development and installations, networks, and infrastructure development and construction; or

''(7) the construction or expansion of airfields, including radar and anti-aircraft systems.

''(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex and the unclassified form shall be placed on the Department of State's website.

''SEC. 11. SENSE OF CONGRESS ON INTERNATIONAL ARMS SALES TO BURMA.

''It is the sense of Congress that the United States should lead efforts in the United Nations Security Council to impose a mandatory international arms embargo on Burma, curtailing all sales of weapons, ammunition, military vehicles, and military aircraft to Burma until the SPDC releases all political prisoners, restores constitutional rule, takes steps toward inclusion of ethnic minorities in political reconciliation efforts, and holds free and fair elections to establish a new government.

''SEC. 12. REDUCTION OF SPDC REVENUE FROM TIMBER.

''(a) REPORT.—Not later than one year after the date of the enactment of this Act [July 29, 2008] and annually thereafter, the Secretary of State, in consultation with the Secretary of Commerce, and other Federal officials, as appropriate, shall submit to the appropriate congressional committees a report on Burma's timber trade containing information on the following:

''(1) Products entering the United States made in whole or in part of wood grown and harvested in Burma, including measurements of annual value and volume and considering both legal and illegal timber trade.

''(2) Statistics about Burma's timber trade, including raw wood and wood products, in aggregate and broken down by country and timber species, including measurements of value and volume and considering both legal and illegal timber trade.

''(3) A description of the chains of custody of products described in paragraph (1), including direct trade streams from Burma to the United States and via manufacturing or transshipment in third countries.

''(4) Illegalities, abuses, or corruption in the Burmese timber sector.

''(5) A description of all common consumer and commercial applications unique to Burmese hardwoods, including the furniture and marine manufacturing industries.

''(b) RECOMMENDATIONS.—The report required under subsection (a) shall include recommendations on the following:

''(1) Alternatives to Burmese hardwoods for the commercial applications described in paragraph (5) of subsection (a), including alternative species of timber that could provide the same applications.

''(2) Strategies for encouraging sustainable management of timber in locations with potential climate, soil, and other conditions to compete with Burmese hardwoods for the consumer and commercial applications described in paragraph (5) of subsection (a).

''(3) The appropriate United States and international customs documents and declarations that would need to be kept and compiled in order to establish the chain of custody concerning products described in paragraphs (1) and (3) of subsection (a).

''(4) Strategies for strengthening the capacity of Burmese civil society, including Burmese society in exile, to monitor and report on the SPDC's trade in timber and other extractive industries so that Burmese natural resources can be used to benefit the majority of Burma's population.

''SEC. 13. REPORT ON FINANCIAL ASSETS HELD BY MEMBERS OF THE SPDC.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [July 29, 2008] and annually thereafter, the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the Committee on Foreign Affairs of the House of Representatives, the Committee on Ways and Means of the House of the [sic] Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Finance of the Senate a report containing a list of all countries and foreign banking institutions that hold assets on behalf of senior Burmese officials.

''(b) DEFINITIONS.—For the purpose of this section:

''(1) SENIOR BURMESE OFFICIALS.—The term 'senior Burmese officials' shall mean individuals covered under section 5(d)(1) of this Act.

''(2) OTHER TERMS.—Other terms shall be defined under the authority of and consistent with section 5(c)(2) of this Act.

''(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex. The report shall also be posted on the Department of Treasury's website not later than 30 days of the submission to Congress of the report. To the extent possible, the report shall include the names of the senior Burmese officials and the approximate value of their holdings in the respective foreign banking institutions and any other pertinent information.

''SEC. 14. UNOCAL PLAINTIFFS.

''(a) SENSE OF CONGRESS.—It is the Sense of Congress that the United States should work with the Royal Thai Government to ensure the safety in Thailand of the 15 plaintiffs in the Doe v. Unocal case, and should consider granting refugee status or humanitarian parole to these plaintiffs to enter the United States consistent with existing United States law.

''(b) REPORT.—Not later than 90 days after the date of the enactment of this Act [July 29, 2008], the President shall submit to the appropriate Congressional committees a report on the status of the Doe vs. Unocal plaintiffs and whether the plaintiffs have been granted refugee status or humanitarian parole.

''SEC. 15. SENSE OF CONGRESS WITH RESPECT TO INVESTMENTS IN BURMA'S OIL AND GAS INDUSTRY.

''(a) FINDINGS AND DECLARATIONS.—Congress finds the following:

''(1) Currently United States, French, and Thai investors are engaged in the production and delivery of natural gas in the pipeline from the Yadana and Sein fields (Yadana pipeline) in the Andaman Sea, an enterprise which falls under the jurisdiction of the Burmese Government, and United States investment by Chevron represents approximately a 28 percent non-operated, working interest in that pipeline.

''(2) The Congressional Research Service estimates that the Yadana pipeline provides at least $500,000,000 in annual revenue for the Burmese Government.

''(3) The natural gas that transits the Yadana pipeline is delivered primarily to Thailand, representing about 20 percent of Thailand's total gas supply.

''(4) The executive branch has in the past exempted investment in the Yadana pipeline from the sanctions regime against the Burmese Government.

''(5) Congress believes that United States companies ought to be held to a high standard of conduct overseas and should avoid as much as possible acting in a manner that supports repressive regimes such as the Burmese Government.

''(6) Congress recognizes the important symbolic value that divestment of United States holdings in Burma would have on the international sanctions effort, demonstrating that the United States will continue to lead by example.

''(b) STATEMENT OF POLICY.—

''(1) Congress urges Yadana investors to consider voluntary divestment over time if the Burmese Government fails to take meaningful steps to release political prisoners, restore civilian constitutional rule and promote national reconciliation.

''(2) Congress will remain concerned with the matter of continued investment in the Yadana pipeline in the years ahead.

''(3) Congress urges the executive branch to work with all firms invested in Burma's oil and gas sector to use their influence to promote the peaceful transition to civilian democratic rule in Burma.

''(c) SENSE OF CONGRESS.—It is the sense of Congress that so long as Yadana investors remain invested in Burma, such investors should—

''(1) communicate to the Burmese Government, military and business officials, at the highest levels,

concern about the lack of genuine consultation between the Burmese Government and its people, the failure of the Burmese Government to use its natural resources to benefit the Burmese people, and the military's use of forced labor;

''(2) publicly disclose and deal with in a transparent manner, consistent with legal obligations, its role in any ongoing investment in Burma, including its financial involvement in any joint production agreement or other joint ventures and the amount of their direct or indirect support of the Burmese Government; and

''(3) work with project partners to ensure that forced labor is not used to construct, maintain, support, or defend the project facilities, including pipelines, offices, or other facilities.''

Pub. L. 108–61, July 28, 2003, 117 Stat. 864, as amended by Pub. L. 109–251, § 1, Aug. 1, 2006, 120 Stat. 654; Pub. L. 110–286, §§ 6(a)–(b)(2), (c), 9(b), July 29, 2008, 122 Stat. 2638, 2642–2644; Pub. L. 111–42, title I, § 101, July 28, 2009, 123 Stat. 1963, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Burmese Freedom and Democracy Act of 2003'.

''SEC. 2. FINDINGS.

''Congress makes the following findings:

''(1) The State Peace and Development Council (SPDC) has failed to transfer power to the National League for Democracy (NLD) whose parliamentarians won an overwhelming victory in the 1990 elections in Burma.

''(2) The SPDC has failed to enter into meaningful, political dialogue with the NLD and ethnic minorities and has dismissed the efforts of United Nations Special Envoy Razali bin Ismail to further such dialogue.

''(3) According to the State Department's 'Report to the Congress Regarding Conditions in Burma and U.S. Policy Toward Burma' dated March 28, 2003, the SPDC has become 'more confrontational' in its exchanges with the NLD.

''(4) On May 30, 2003, the SPDC, threatened by continued support for the NLD throughout Burma, brutally attacked NLD supporters, killed and injured scores of civilians, and arrested democracy advocate Aung San Suu Kyi and other activists.

''(5) The SPDC continues egregious human rights violations against Burmese citizens, uses rape as a weapon of intimidation and torture against women, and forcibly conscripts child-soldiers for the use in fighting indigenous ethnic groups.

''(6) The SPDC is engaged in ethnic cleansing against minorities within Burma, including the Karen, Karenni, and Shan people, which constitutes a crime against humanity and has directly led to more than 600,000 internally displaced people living within Burma and more than 130,000 people from Burma living in refugee camps along the Thai-Burma border.

''(7) The ethnic cleansing campaign of the SPDC is in sharp contrast to the traditional peaceful coexistence in Burma of Buddhists, Muslims, Christians, and people of traditional beliefs.

''(8) The SPDC has demonstrably failed to cooperate with the United States in stopping the flood of heroin and methamphetamines being grown, refined, manufactured, and transported in areas under the control of the SPDC serving to flood the region and much of the world with these illicit drugs.

''(9) The SPDC provides safety, security, and engages in business dealings with narcotics traffickers under indictment by United States authorities, and other producers and traffickers of narcotics.

''(10) The International Labor Organization (ILO), for the first time in its 82-year history, adopted in 2000, a resolution recommending that governments, employers, and workers organizations take appropriate measures to ensure that their relations with the SPDC do not abet the government-sponsored system of forced, compulsory, or slave labor in Burma, and that other international bodies reconsider any cooperation they may be engaged in with Burma and, if appropriate, cease as soon as possible any activity that could abet the practice of forced, compulsory, or slave labor.

''(11) The SPDC has integrated the Burmese military and its surrogates into all facets of the economy effectively destroying any free enterprise system.

''(12) Investment in Burmese companies and purchases from them serve to provide the SPDC with currency that is used to finance its instruments of terror and repression against the Burmese people.

''(13) On April 15, 2003, the American Apparel and Footwear Association expressed its 'strong support for a full and immediate ban on U.S. textiles, apparel and footwear imports from Burma' and called upon the United States Government to 'impose an outright ban on U.S. imports' of these items until Burma demonstrates respect for basic human and labor rights of its citizens.

''(14) The policy of the United States, as articulated by the President on April 24, 2003, is to officially recognize the NLD as the legitimate representative of the Burmese people as determined by the 1990 election.

''(15) The United States must work closely with other nations, including Thailand, a close ally of the United States, to highlight attention to the SPDC's systematic abuses of human rights in Burma, to ensure that nongovernmental organizations promoting human rights and political freedom in Burma are allowed to operate freely and without harassment, and to craft a multilateral sanctions regime against Burma in order to pressure the SPDC to meet the conditions identified in section 3(a)(3) of this Act.

''SEC. 3. BAN AGAINST TRADE THAT SUPPORTS THE MILITARY REGIME OF BURMA.

''(a) GENERAL BAN.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to Congress that Burma has met the conditions described in paragraph (3), beginning 30 days after the date of the enactment of this Act [July 28, 2003], the President shall ban the importation of any article that is a product of Burma.

''(2) BAN ON IMPORTS FROM CERTAIN COMPANIES.—The import restrictions contained in paragraph (1) shall apply to, among other entities—

''(A) the SPDC, any ministry of the SPDC, a member of the SPDC or an immediate family member of such member;

''(B) known narcotics traffickers from Burma or an immediate family member of such narcotics trafficker;

''(C) the Union of Myanmar Economics Holdings Incorporated (UMEHI) or any company in which the UMEHI has a fiduciary interest;

''(D) the Myanmar Economic Corporation (MEC) or any company in which the MEC has a fiduciary interest;

''(E) the Union Solidarity and Development Association (USDA); and

''(F) any successor entity for the SPDC, UMEHI, MEC, or USDA.

''(3) CONDITIONS DESCRIBED.—The conditions described in this paragraph are the following:

''(A) The SPDC has made substantial and measurable progress to end violations of internationally recognized human rights including rape, and the Secretary of State, after consultation with the ILO Secretary General and relevant nongovernmental organizations, reports to the appropriate congressional committees that the SPDC no longer systematically violates workers rights, including the use of forced and child labor, and conscription of child-soldiers.

''(B) The SPDC has made measurable and substantial progress toward implementing a democratic government including—

''(i) releasing all political prisoners;

''(ii) allowing freedom of speech and the press;

''(iii) allowing freedom of association;

''(iv) permitting the peaceful exercise of religion; and

''(v) bringing to a conclusion an agreement between the SPDC and the democratic forces led by the NLD and Burma's ethnic nationalities on the transfer of power to a civilian government accountable to the Burmese people through democratic elections under the rule of law.

''(C) Pursuant to section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) [22 U.S.C. 2291j–1(2)], Burma has not been designated as a country that has failed demonstrably to make substantial efforts to adhere to its obligations under international counternarcotics agreements and to take other effective counternarcotics measures, including, but not limited to (i) the arrest and extradition of all individuals under indictment in the United States for narcotics trafficking, (ii) concrete and measurable actions to stem the flow of illicit drug money into Burma's banking system and economic enterprises, and (iii) actions to stop the manufacture and export of methamphetamines.

''(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term 'appropriate congressional committees' means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations [now Foreign Affairs] and Appropriations of the House of Representatives.

''(b) WAIVER AUTHORITIES.—The President may waive the restrictions described in this section or section 3A(b)(1) or (c)(1) for any or all articles that are subject to such restrictions if the President determines and notifies the Committees on Appropriations, Finance, and Foreign Relations of the Senate and the Committees on Appropriations, International Relations [now Foreign Affairs], and Ways and Means of the House of Representatives that to do so is in the national interest of the United States.

''SEC. 3A. PROHIBITION ON IMPORTATION OF JADEITE AND RUBIES FROM BURMA AND ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES FROM BURMA.

''(a) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

''(B) the Committee on Finance and the Committee on Foreign Relations of the Senate.

''(2) BURMESE COVERED ARTICLE.—The term 'Burmese covered article' means—

''(A) jadeite mined or extracted from Burma;

''(B) rubies mined or extracted from Burma; or

''(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

''(3) NON-BURMESE COVERED ARTICLE.—The term 'non-Burmese covered article' means—

''(A) jadeite mined or extracted from a country other than Burma;

''(B) rubies mined or extracted from a country other than Burma; or

''(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

''(4) JADEITE; RUBIES; ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—

''(A) JADEITE.—The term 'jadeite' means any jadeite classifiable under heading 7103 of the Harmonized Tariff Schedule of the United States (in this paragraph referred to as the 'HTS') [see Publication of Harmonized Tariff Schedule note set out under section 1202 of Title 19, Customs Duties].

''(B) RUBIES.—The term 'rubies' means any rubies classifiable under heading 7103 of the HTS.

''(C) ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—The term 'articles of jewelry containing jadeite or rubies' means—

''(i) any article of jewelry classifiable under heading 7113 of the HTS that contains jadeite or rubies; or

''(ii) any article of jadeite or rubies classifiable under heading 7116 of the HTS.

''(5) UNITED STATES.—The term 'United States', when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(b) PROHIBITION ON IMPORTATION OF BURMESE COVERED ARTICLES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 [July 29, 2008], the President shall prohibit the importation into the United States of any Burmese covered article.

''(2) REGULATORY AUTHORITY.—The President is authorized to, and shall as necessary, issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to implement the prohibition under paragraph (1).

''(3) OTHER ACTIONS.—Beginning on the date of the enactment of this Act [July 28, 2003], the President shall take all appropriate actions to seek the following:

''(A) The issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization granting a waiver of the applicable obligations of the United States under the World Trade Organization with respect to the provisions of this section and any measures taken to implement this section.

''(B) The adoption of a resolution by the United Nations General Assembly expressing the need to address trade in Burmese covered articles and calling for the creation and implementation of a workable certification scheme for non-Burmese covered articles to prevent the trade in Burmese covered articles.

''(c) REQUIREMENTS FOR IMPORTATION OF NON-BURMESE COVERED ARTICLES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 [July 29, 2008], the President shall require as a condition for the importation into the United States of any non-Burmese covered article that—

''(A) the exporter of the non-Burmese covered article has implemented measures that have substantially the same effect and achieve the same goals as the measures described in clauses (i) through (iv) of paragraph (2)(B) (or their functional equivalent) to prevent the trade in Burmese covered articles; and

''(B) the importer of the non-Burmese covered article agrees—

''(i) to maintain a full record of, in the form of reports or otherwise, complete information relating to any act or transaction related to the purchase, manufacture, or shipment of the non-Burmese covered article for a period of not less than 5 years from the date of entry of the non-Burmese covered article; and

''(ii) to provide the information described in clause (i) within the custody or control of such person to the relevant United States authorities upon request.

''(2) EXCEPTION.—

''(A) IN GENERAL.—The President may waive the requirements of paragraph (1) with respect to the importation of non-Burmese covered articles from any country with respect to which the President determines and certifies to the appropriate congressional committees has implemented the measures described in subparagraph (B) (or their functional equivalent) to prevent the trade in Burmese covered articles.

''(B) MEASURES DESCRIBED.—The measures referred to in subparagraph (A) are the following:

''(i) With respect to exportation from the country of jadeite or rubies in rough form, a system of verifiable controls on the jadeite or rubies from mine to exportation demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted, total carat weight, and value of the jadeite or rubies.

''(ii) With respect to exportation from the country of finished jadeite or polished rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

''(iii) With respect to exportation from the country of articles of jewelry containing jadeite or rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the article of jewelry containing jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

''(iv) Verifiable recordkeeping by all entities and individuals engaged in mining, importation, and exportation of non-Burmese covered articles in the country, and subject to inspection and verification by authorized authorities of the government of the country in accordance with applicable law.

''(v) Implementation by the government of the country of proportionate and dissuasive penalties against any persons who violate laws and regulations designed to prevent trade in Burmese covered articles.

''(vi) Full cooperation by the country with the United Nations or other official international organizations that seek to prevent trade in Burmese covered articles.

''(3) REGULATORY AUTHORITY.—The President is authorized to, and shall as necessary, issue such proclamations, regulations, licenses, and orders and conduct such investigations, as may be necessary to implement the provisions under paragraphs (1) and (2).

''(d) INAPPLICABILITY.—

''(1) IN GENERAL.—The requirements of subsection (b)(1) and subsection (c)(1) shall not apply to Burmese covered articles and non-Burmese covered articles, respectively, that were previously exported from the United States, including those that accompanied an individual outside the United States for personal use, if they are reimported into the United States by the same person, without having been advanced in value or improved in condition by any process or other means while outside the United States.

''(2) ADDITIONAL PROVISION.—The requirements of subsection (c)(1) shall not apply with respect to the importation of non-Burmese covered articles that are imported by or on behalf of an individual for personal use and accompanying an individual upon entry into the United States.

''(e) ENFORCEMENT.—Burmese covered articles or non-Burmese covered articles that are imported into the United States in violation of any prohibition of this Act or any other provision law [sic] shall be subject to all applicable seizure and forfeiture laws and criminal and civil laws of the United States to the same extent as any other violation of the customs laws of the United States.

''(f) SENSE OF CONGRESS.—

''(1) IN GENERAL.—It is the sense of Congress that the President should take the necessary steps to seek to negotiate an international arrangement—similar to the Kimberley Process Certification Scheme for conflict diamonds—to prevent the trade in Burmese covered articles. Such an international arrangement should create an effective global system of controls and should contain the measures described in subsection (c)(2)(B) (or their functional equivalent).

''(2) KIMBERLEY PROCESS CERTIFICATION SCHEME DEFINED.—In paragraph (1), the term 'Kimberley Process Certification Scheme' has the meaning given the term in section 3(6) of the Clean Diamond Trade Act (Public Law 108–19; 19 U.S.C. 3902(6)).

''(g) REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 [July 29, 2008], the President shall transmit to the appropriate congressional committees a report describing what actions the United States has taken during the 60-day period beginning on the date of the enactment of such Act to seek—

''(A) the issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization, as specified in subsection (b)(3)(A);

''(B) the adoption of a resolution by the United Nations General Assembly, as specified in subsection (b)(3)(B); and

''(C) the negotiation of an international arrangement, as specified in subsection (f)(1).

''(2) UPDATE.—The President shall make continued efforts to seek the items specified in subparagraphs (A), (B), and (C) of paragraph (1) and shall promptly update the appropriate congressional committees on subsequent developments with respect to these efforts.

''(h) GAO REPORT.—Not later than 14 months after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 [July 29, 2008], the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the effectiveness of the implementation of this section. The Comptroller General shall include in the report any recommendations for improving the administration of this Act.

''SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME IN THE UNITED STATES.

''(a) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act [July 28, 2003], the President shall take such action as is necessary to direct, and promulgate regulations to the same, that any United States financial institution holding funds belonging to the SPDC or the assets of those individuals who hold senior positions in the SPDC or its political arm, the Union Solidarity Development Association, shall promptly report those funds or assets to the Office of Foreign Assets Control.

''(b) ADDITIONAL AUTHORITY.—The President may take such action as may be necessary to impose a sanctions regime to freeze such funds or assets, subject to such terms and conditions as the President determines to be appropriate.

''(c) DELEGATION.—The President may delegate the duties and authorities under this section to such Federal officers or other officials as the President deems appropriate.

''SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITUTIONS.

''(a) OPPOSITION TO ASSISTANCE TO BURMA.—The Secretary of the Treasury shall instruct the United States executive director to each appropriate international fi-

nancial institution in which the United States participates, to oppose, and vote against the extension by such institution of any loan or financial or technical assistance to Burma until such time as the conditions described in section 3(a)(3) are met.

''(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to issue multi-year licenses for humanitarian or religious activities in Burma.

''SEC. 6. EXPANSION OF VISA BAN.

''(a) IN GENERAL.—

''(1) VISA BAN.—The President is authorized to deny visas and entry to the former and present leadership of the SPDC or the Union Solidarity Development Association.

''(2) UPDATES.—The Secretary of State shall coordinate on a biannual basis with representatives of the European Union to allow officials of the United States and the European Union to ensure a high degree of coordination of lists of individuals banned from obtaining a visa by the European Union for the reason described in paragraph (1) and those banned from receiving a visa from the United States.

''(b) PUBLICATION.—The Secretary of State shall post on the Department of State's website the names of individuals whose entry into the United States is banned under subsection (a).

''SEC. 7. CONDEMNATION OF THE REGIME AND DISSEMINATION OF INFORMATION.

''Congress encourages the Secretary of State to highlight the abysmal record of the SPDC to the international community and use all appropriate fora, including the Association of Southeast Asian Nations Regional Forum and Asian Nations Regional Forum, to encourage other states to restrict financial resources to the SPDC and Burmese companies while offering political recognition and support to Burma's democratic movement including the National League for Democracy and Burma's ethnic groups.

''SEC. 8. SUPPORT DEMOCRACY ACTIVISTS IN BURMA.

''(a) IN GENERAL.—The President is authorized to use all available resources to assist Burmese democracy activists dedicated to nonviolent opposition to the regime in their efforts to promote freedom, democracy, and human rights in Burma, including a listing of constraints on such programming.

''(b) REPORTS.—

''(1) FIRST REPORT.—Not later than 3 months after the date of enactment of this Act [July 28, 2003], the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations [now Foreign Affairs] of the House of Representatives a comprehensive report on its short- and long-term programs and activities to support democracy activists in Burma, including a list of constraints on such programming.

''(2) REPORT ON RESOURCES.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations [now Foreign Affairs] of the House of Representatives a report identifying resources that will be necessary for the reconstruction of Burma, after the SPDC is removed from power, including—

''(A) the formation of democratic institutions;

''(B) establishing the rule of law;

''(C) establishing freedom of the press;

''(D) providing for the successful reintegration of military officers and personnel into Burmese society; and

''(E) providing health, educational, and economic development.

''(3) REPORT ON TRADE SANCTIONS.—Not later than 90 days before the date on which the import restrictions contained in section 3(a)(1) are to expire, the Secretary of State, in consultation with the United States Trade Representative and the heads of appropriate agencies, shall submit to the Committees on Appropriations, Finance, and Foreign Relations of the Senate, and the Committees on Appropriations, International Relations [now Foreign Affairs], and Ways and Means of the House of Representatives, a report on—

''(A) bilateral and multilateral measures undertaken by the United States Government and other governments to promote human rights and democracy in Burma;

''(B) the extent to which actions related to trade with Burma taken pursuant to this Act have been effective in—

''(i) improving conditions in Burma, including human rights violations, arrest and detention of democracy activists, forced and child labor, and the status of dialogue between the SPDC and the NLD and ethnic minorities;

''(ii) furthering the policy objections of the United States toward Burma; and

''(C) the impact of actions relating to trade take [sic] pursuant to this Act on other national security, economic, and foreign policy interests of the United States, including relations with countries friendly to the United States.

''SEC. 9. DURATION OF SANCTIONS.

''(a) TERMINATION BY REQUEST FROM DEMOCRATIC BURMA.—The President may terminate any provision in this Act upon the request of a democratically elected government in Burma, provided that all the conditions in section 3(a)(3) have been met.

''(b) CONTINUATION OF IMPORT SANCTIONS.—

''(1) EXPIRATION.—The import restrictions contained in section 3(a)(1) shall expire 1 year from the date of enactment of this Act [July 28, 2003] unless renewed under paragraph (2) of this section [subsection].

''(2) RESOLUTION BY CONGRESS.—The import restrictions contained in section 3(a)(1) may be renewed annually for a 1-year period if, prior to the anniversary of the date of enactment of this Act, and each year thereafter, a renewal resolution is enacted into law in accordance with subsection (c).

''(3) LIMITATION.—The import restrictions contained in section 3(a)(1) may be renewed for a maximum of nine years from the date of the enactment of this Act [July 28, 2003].

''(4) RULE OF CONSTRUCTION.—For purposes of this subsection, any reference to section 3(a)(1) shall be deemed to include a reference to section 3A(b)(1) and (c)(1).

''(c) RENEWAL RESOLUTIONS.—

''(1) IN GENERAL.—For purposes of this section, the term 'renewal resolution' means a joint resolution of the 2 Houses of Congress, the sole matter after the resolving clause of which is as follows: 'That Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A(b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.'.

''(2) PROCEDURES.—

''(A) IN GENERAL.—A renewal resolution—

''(i) may be introduced in either House of Congress by any member of such House at any time within the 90-day period before the expiration of the import restrictions contained in section 3(a)(1) and section 3A(b)(1) and (c)(1); and

''(ii) the provisions of subparagraph (B) shall apply.

''(B) EXPEDITED CONSIDERATION.—The provisions of section 152(b), (c), (d), (e), and (f) of the Trade Act of 1974 (19 U.S.C. 2192 (b), (c), (d), (e), and (f)) apply to a renewal resolution under this Act as if such resolution were a resolution described in section 152(a) of the Trade Act of 1974.''

[For effective date of amendment by Pub. L. 110–286, §6(b)(1), (2), see section 6(b)(3) of Pub. L. 110–286, set out above.]

[Certain powers of President under section 4 of Pub. L. 108–61, set out above, delegated to Secretary of the Treasury by section 6 of Ex. Ord. No. 13448, Oct. 18, 2007, 72 F.R. 60225, listed in a table below.]

[Pub. L. 109–251, § 3, Aug. 1, 2006, 120 Stat. 654, provided that: ''This Act [enacting note below and amending Pub. L. 108–61 set out above] and the amendments made by this Act shall take effect on the date of the enactment of this Act [Aug. 1, 2006] or July 26, 2006, whichever occurs first.'']

[Proc. No. 8294, Sept. 26, 2008, 73 F.R. 57223, provided: in par. (2), that beginning on Sept. 27, 2008, importation of Burmese covered articles into the United States is prohibited, subject to certain exceptions; in par. (3), that beginning on Sept. 27, 2008, importation of non-Burmese covered articles into the United States is subject to certain conditions, with certain exceptions; in par. (4), that the Secretary of the Treasury and the Secretary of Homeland Security are authorized to issue regulations, licenses, and orders and to conduct necessary investigations to implement the prohibition on Burmese covered articles and the conditions for importation of non-Burmese covered articles set forth in section 3A(b), (c) of Pub. L. 108–61, set out above, and also to redelegate those functions as necessary; in par. (5), that the Secretary of the Treasury, in consultation with the Secretary of State, is authorized to perform the functions set forth in section 3A(c)(2)(A) of Pub. L. 108–61 relating to the issuance of waivers and may redelegate those functions; in par. (6), that the United States Trade Representative is authorized to perform the functions specified in section 3A(b)(3)(A) of Pub. L. 108–61; and, in pars. (7) to (9), that the Secretary of State is authorized to perform the functions specified in sections 3(b) and 3A(b)(3)(B) of Pub. L. 108–61, as well as the functions in section 3A(g) of that Act, in consultation with the United States Trade Representative.]

[Certain powers of President under sections 3(a) and 4 of Pub. L. 108–61, set out above, delegated to Secretary of the Treasury and functions and authorities of President under section 3(b) of Pub. L. 108–61 delegated to Secretary of State by section 9 of Ex. Ord. No. 13310, July 28, 2003, 68 F.R. 44854, listed in a table below.]

Provisions similar to those contained in section 5(a) of Pub. L. 108–61, set out above, were contained in the following appropriation acts:

Pub. L. 111–117, div. F, title VII, § 7071(b)(1), Dec. 16, 2009, 123 Stat. 3388.

Pub. L. 111–8, div. H, title VII, § 7071(b)(1), Mar. 11, 2009, 123 Stat. 903.

Pub. L. 110–161, div. J, title VI, § 638(b)(1), Dec. 26, 2007, 121 Stat. 2333.

Pub. L. 109–102, title V, § 526(a), Nov. 14, 2005, 119 Stat. 2205.

Pub. L. 108–447, div. D, title V, § 531(a), Dec. 8, 2004, 118 Stat. 3004.

Pub. L. 108–199, div. D, title V, § 531(a), Jan. 23, 2004, 118 Stat. 180.

Pub. L. 111–42, title I, § 102, July 28, 2009, 123 Stat. 1963, provided that:

''(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A(b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003 [Pub. L. 108–61, set out above].

''(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a 'renewal resolution' for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.''

Prior similar provisions were contained in the following Acts:

Pub. L. 110–287, § 1, July 29, 2008, 122 Stat. 2649.

Pub. L. 110–52, §§ 1, 4, Aug. 1, 2007, 121 Stat. 264.

Pub. L. 109–251, § 2, Aug. 1, 2006, 120 Stat. 654.

Pub. L. 109–39, July 27, 2005, 119 Stat. 409.

Pub. L. 108–272, July 7, 2004, 118 Stat. 818.

LIMITED WAIVER OF CERTAIN SANCTIONS IMPOSED BY, AND DELEGATION OF CERTAIN AUTHORITIES PURSUANT TO, THE TOM LANTOS BLOCK BURMESE JADE (JUNTA'S ANTI-DEMOCRATIC EFFORTS) ACT OF 2008

Determination of the President of the United States, No. 2009–11, Jan. 15, 2009, 74 F.R. 3957, provided:

Memorandum for the Secretary of State [and] the Secretary of the Treasury

By the authority vested in me as President by the Constitution and laws of the United States, including the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110–286) (JADE Act) [set out as a note above] and section 301 of title 3, United States Code, in order to ensure that the United States Government's sanctions against the Burmese leadership and its supporters continue to be implemented effectively, to allow the reconciliation of measures applicable to persons sanctioned under the JADE Act with measures applicable to the same persons sanctioned under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), and to allow for the implementation of additional appropriate sanctions:

(1) I hereby waive, pursuant to section 5(i) of the JADE Act, the provisions of section 5(b) of the JADE Act with respect to those persons described in section 5(a)(1) of the JADE Act who are not included on the Department of the Treasury's List of Specially Designated Nationals and Blocked Persons. Because the imposition of effective and meaningful blocking sanctions requires the identification of those individuals and entities targeted for sanction and the authorization of certain limited exceptions to the prohibitions and restrictions that would otherwise apply, I hereby determine and certify that such a limited waiver is in the national interest of the United States.

(2) I hereby delegate to the Secretary of the Treasury the waiver authority set forth in section 5(i) of the JADE Act, including the authority to invoke or revoke the waiver with respect to any person or persons or any transaction or category of transactions or prohibitions by making the necessary determination and certification regarding the national interest of the United States set forth in that section. I hereby direct the Secretary of the Treasury, after consultation with the Secretary of State and with necessary support from the Intelligence Community, as defined in section 3(4) of the National Security Act of 1947, as amended (50 U.S.C. 401a(4)), to continue to target aggressively the Burmese regime and its lines of support. I further delegate to the Secretary of the Treasury the authority to take such actions as may be necessary to carry out the purposes of section 5(b) of the JADE Act. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. The authorities delegated to the Secretary of the Treasury under this memorandum shall be exercised after consultation with the Secretary of State.

(3) I authorize the Secretary of State, after consultation with the Secretary of the Treasury, to take such actions as may be necessary to make the submissions to the appropriate congressional committees pursuant to section 5(d) of the JADE Act.

I hereby authorize and direct the Secretary of the Treasury to report this determination to the appropriate congressional committees and to publish it in the Federal Register.

GEORGE W. BUSH.

SUDAN PEACE

Pub. L. 108–497, Dec. 23, 2004, 118 Stat. 4012, as amended by Pub. L. 109–344, §§ 5(a), (b), 8(b), Oct. 13, 2006, 120 Stat. 1875, 1876, 1879, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Comprehensive Peace in Sudan Act of 2004'.

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives.

''(2) GOVERNMENT OF SUDAN.—The term 'Government of Sudan' means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act [Dec. 23, 2004] (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).

''(3) JEM.—The term 'JEM' means the Justice and Equality Movement.

''(4) SLA.—The term 'SLA' means the Sudan Liberation Army.

''(5) SPLM.—The term 'SPLM' means the Sudan People's Liberation Movement.

''SEC. 3. FINDINGS.

''Congress makes the following findings:

''(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act [Pub. L. 107–245] (50 U.S.C. 1701 note) and the Machakos Protocol of 2002, could be in jeopardy if the parties do not implement and honor the agreements they have signed.

''(2) Since seizing power through a military coup in 1989, the Government of Sudan repeatedly has attacked and dislocated civilian populations in southern Sudan in a coordinated policy of ethnic cleansing and genocide that has cost the lives of more than 2,000,000 people and displaced more than 4,000,000 people.

''(3) In response to two decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan, signed on June 5, 2004.

''(4) At the same time that the Government of Sudan was negotiating for a comprehensive and all inclusive peace agreement, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing and genocide in the Darfur region of western Sudan.

''(5) The Government of Sudan reluctantly agreed to attend talks to bring peace to the Darfur region only after considerable international pressure and outrage was expressed through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 (July 30, 2004).

''(6) The Government of the United States, in both the executive branch and Congress, has concluded that genocide has been committed and may still be occurring in the Darfur region, and that the Government of Sudan and militias supported by the Government of Sudan, known as the Janjaweed, bear responsibility for the genocide.

''(7) Evidence collected by international observers in the Darfur region between February 2003 and November 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, similar to that which was employed in southern Sudan, that has destroyed African Sudanese villages, killing and driving away their people, while Arab Sudanese villages have been left unscathed.

''(8) As a result of this genocidal policy in the Darfur region, an estimated 70,000 people have died, more than 1,600,000 people have been internally displaced, and more than 200,000 people have been forced to flee to neighboring Chad.

''(9) Reports further indicate the systematic rape of thousands of women and girls, the abduction of women and children, and the destruction of hundreds of ethnically African villages, including the poisoning of their wells and the plunder of their crops and cattle upon which the people of such villages sustain themselves.

''(10) Despite the threat of international action expressed through United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over the Darfur region.

''(11) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government-sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted access by humanitarian and human rights workers to the Darfur area through intimidation by military and security forces, and through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those individuals displaced from their villages and homes without any means of sustenance or shelter.

''(12) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be causing up to 10,000 deaths per month and, should current conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

''(13) The Government of Chad served an important role in facilitating the humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the two opposition rebel groups in the Darfur region (the JEM and the SLA), although both sides have violated the cease-fire agreement repeatedly.

''(14) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

''(15) On September 9, 2004, Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate: 'When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring.'.

''(16) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in the Darfur region, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

''(17) The Government of Sudan's complicity in the atrocities and genocide in the Darfur region raises fundamental questions about the Government of Sudan's commitment to peace and stability in Sudan.

''SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

''(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act [Pub. L. 107–245] (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

''(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

''(1) a legitimate countrywide peace in Sudan will only be possible if those principles enumerated in the 1948 Universal Declaration of Human Rights, that are affirmed in the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004, are applied to all of Sudan, including the Darfur region;

''(2) the parties to the N'Djamena Agreement (the Government of Sudan, the JEM, and the SLA) must meet their obligations under that Agreement to allow

safe and immediate delivery of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the genocide and conflict in the Darfur region;

''(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, implement a plan to provide assistance to the areas of Sudan to which access has been obstructed or denied;

''(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the crisis in the Darfur region;

''(5) the United States and the international community should—

''(A) provide all necessary assistance to deploy and sustain an African Union Force to the Darfur region; and

''(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

''(6) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should—

''(A) condemn any failure on the part of the Government of Sudan to fulfill its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), and press the United Nations Security Council to respond to such failure by immediately imposing the penalties suggested in paragraph (14) of United Nations Security Council Resolution 1564;

''(B) press the United Nations Security Council to pursue accountability for those individuals who are found responsible for orchestrating and carrying out the atrocities in the Darfur region, consistent with relevant United Nations Security Council Resolutions; and

''(C) encourage member states of the United Nations to—

''(i) cease to import Sudanese oil; and

''(ii) take the following actions against Sudanese Government and military officials and other individuals, who are planning, carrying out, or otherwise involved in the policy of genocide in the Darfur region, as well as their families, and businesses controlled by the Government of Sudan and the National Congress Party:

''(I) freeze the assets held by such individuals or businesses in each such member state; and

''(II) restrict the entry or transit of such officials through each such member state;

''(7) the President should impose targeted sanctions, including a ban on travel and the freezing of assets, on those officials of the Government of Sudan, including military officials, and other individuals who have planned or carried out, or otherwise been involved in the policy of genocide in the Darfur region, and should also freeze the assets of businesses controlled by the Government of Sudan or the National Congress Party;

''(8) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including the Darfur region;

''(9) those individuals found to be involved in the planning or carrying out of genocide, war crimes, or crimes against humanity should not hold leadership positions in the Government of Sudan or the coalition government established pursuant to the agreements reached in the Nairobi Declaration on the Final Phase of Peace in the Sudan; and

''(10) the Government of Sudan has a primary responsibility to guarantee the safety and welfare of its citizens, which includes allowing them access to humanitarian assistance and providing them protection from violence.

''SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

''[Amended Pub. L. 107–245, set out below.]

''SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

''(a) SANCTIONS.—Beginning on the date that is 30 days after the date of enactment of this Act [Dec. 23, 2004], the President shall, notwithstanding paragraph (1) of section 6(b) of the Sudan Peace Act [Pub. L. 107–245] (50 U.S.C. 1701 note), implement the measures set forth in subparagraphs (A) through (D) of paragraph (2) of such section.

''(b) BLOCKING OF ASSETS OF APPROPRIATE SENIOR OFFICIALS OF THE GOVERNMENT OF SUDAN.—Beginning on the date that is 30 days after the date of enactment of this Act, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

''(c) BLOCKING OF ASSETS AND RESTRICTION ON VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE PRESIDENT.—

''(1) BLOCKING OF ASSETS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2006 [Oct. 13, 2006], and in the interest of contributing to peace in Sudan, the President shall, consistent with the authorities granted under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.

''(2) RESTRICTION ON VISAS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2006, and in the interest of contributing to peace in Sudan, the President shall deny a visa and entry to any individual who the President determines to be complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.

''(d) WAIVER.—The President may waive the application of subsection (a) or (b) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States. The President may waive the application of paragraph (1) or (2) of subsection (c) with respect to any individual if the President determines that such a waiver is in the national interests of the United States and, before exercising the waiver, notifies the appropriate congressional committees of the name of the individual and the reasons for the waiver.

''(e) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Act, 2004 (division D of Public Law 108–199; 118 Stat. 143 [162, 169, 170, 177]), or any other similar provision of law, shall remain in effect against the Government of Sudan and may not be lifted pursuant to such provisions of law unless the President transmits a certification to the appropriate congressional committees in accordance with paragraph (2) of section 12(a) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

''(f) DETERMINATION.—Notwithstanding subsection (a) of this section, the President shall continue to transmit the determination required under section 6(b)(1)(A) of the Sudan Peace Act (50 U.S.C. 1701 note).

''SEC. 7. ADDITIONAL AUTHORITIES.

''[Repealed. Pub. L. 109–344, § 8(b), Oct. 13, 2006, 120 Stat. 1879.]

''SEC. 8. TECHNICAL CORRECTION.

''[Amended section 288f–2 of Title 22, Foreign Relations and Intercourse.]''

[For assignment of functions of President under subsec. (c) and the last sentence of subsec. (d) of section 6 of Pub. L. 108–497, set out above, see section 4(c), (d) of Ex. Ord. No. 13412, Oct. 13, 2006, 71 F.R. 61370, listed in a table below.]

Pub. L. 107–245, Oct. 21, 2002, 116 Stat. 1504, as amended by Pub. L. 108–497, §5, Dec. 23, 2004, 118 Stat. 4016; Pub. L. 109–344, §9, Oct. 13, 2006, 120 Stat. 1880, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Sudan Peace Act'.

''SEC. 2. FINDINGS.

''The Congress makes the following findings:

''(1) The Government of Sudan has intensified its prosecution of the war against areas outside of its control, which has already cost more than 2,000,000 lives and has displaced more than 4,000,000 people.

''(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

''(3) Continued strengthening and reform of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

''(4) Continued leadership by the United States is critical.

''(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process. It is critical that credible civil authority and institutions play an important role in the reconstruction of postwar Sudan.

''(6) Through the manipulation of traditional rivalries among peoples in areas outside of its full control, the Government of Sudan has used divide-and-conquer techniques effectively to subjugate its population. However, internationally sponsored reconciliation efforts have played a critical role in reducing human suffering and the effectiveness of this tactic.

''(7) The Government of Sudan utilizes and organizes militias, Popular Defense Forces, and other irregular units for raiding and enslaving parties in areas outside of the control of the Government of Sudan in an effort to disrupt severely the ability of the populations in those areas to sustain themselves. The tactic helps minimize the Government of Sudan's accountability internationally.

''(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside of its control.

''(9) By regularly banning air transport relief flights by the United Nations relief operation OLS, the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to starve targeted groups and subdue areas of Sudan outside of the Government's control.

''(10) The acts of the Government of Sudan, including the acts described in this section, constitute genocide as defined by the Convention on the Prevention and Punishment of the Crime of Genocide (78 U.N.T.S. 277).

''(11) The efforts of the United States and other donors in delivering relief and assistance through means outside of OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

''(12) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

''(13) The Nuba Mountains and many areas in Bahr al Ghazal and the Upper Nile and the Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

''(14) At a cost which has sometimes exceeded $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

''(15) The ability of populations to defend themselves against attack in areas outside of the control of the Government of Sudan has been severely compromised by the disengagement of the front-line states of Ethiopia, Eritrea, and Uganda, fostering the belief among officials of the Government of Sudan that success on the battlefield can be achieved.

''(16) The United States should use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including—

''(A) the multilateralization of economic and diplomatic tools to compel the Government of Sudan to enter into a good faith peace process;

''(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside of government control;

''(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

''(D) the strengthening of the mechanisms to provide humanitarian relief to those areas; and

''(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(2) GOVERNMENT OF SUDAN.—Except as provided in section 12, the term 'Government of Sudan' means the National Islamic Front government in Khartoum, Sudan.

''(3) OLS.—The term 'OLS' means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as 'Operation Lifeline Sudan'.

''(4) SPLM.—The term 'SPLM' means the Sudan People's Liberation Movement.

''SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND TACTICS OF THE GOVERNMENT OF SUDAN.

''The Congress hereby—

''(1) condemns—

''(A) violations of human rights on all sides of the conflict in Sudan;

''(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

''(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice;

''(D) the Government of Sudan's use and organization of 'murahalliin' or 'mujahadeen', Popular Defense Forces, and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, and the Upper Nile and the Blue Nile regions; and

''(E) aerial bombardment of civilian targets that is sponsored by the Government of Sudan; and

''(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

''SEC. 5. ASSISTANCE FOR PEACE AND DEMOCRATIC GOVERNANCE.

''(a) ASSISTANCE TO SUDAN.—The President is authorized to provide increased assistance to the areas of Sudan that are not controlled by the Government of Sudan to prepare the population for peace and democratic governance, including support for civil administration, communications infrastructure, education, health, and agriculture.

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out the activities described in subsection (a) of this section $100,000,000 for each of the fiscal years 2003, 2004, and 2005.

''(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) of this subsection are authorized to remain available until expended.

''SEC. 6. SUPPORT FOR AN INTERNATIONALLY SANCTIONED PEACE PROCESS.

''(a) FINDINGS.—Congress hereby—

''(1) recognizes that—

''(A) a single, viable internationally and regionally sanctioned peace process holds the greatest opportunity to promote a negotiated, peaceful settlement to the war in Sudan; and

''(B) resolution to the conflict in Sudan is best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994, and on the Machakos Protocol in July 2002; and

''(2) commends the efforts of Special Presidential Envoy, Senator Danforth and his team in working to assist the parties to the conflict in Sudan in finding a just, permanent peace to the conflict in Sudan.

''(b) MEASURES OF CERTAIN CONDITIONS NOT MET.—

''(1) PRESIDENTIAL DETERMINATION.—

''(A) The President shall make a determination and certify in writing to the appropriate congressional committees within 6 months after the date of enactment of this Act [Oct. 21, 2002], and each 6 months thereafter, that the Government of Sudan and the Sudan People's Liberation Movement are negotiating in good faith and that negotiations should continue.

''(B) If, under subparagraph (A) the President determines and certifies in writing to the appropriate congressional committees that the Government of Sudan has not engaged in good faith negotiations to achieve a permanent, just, and equitable peace agreement, or has unreasonably interfered with humanitarian efforts, then the President, after consultation with the Congress, shall implement the measures set forth in paragraph (2).

''(C) If, under paragraph (A) the President determines and certifies in writing to the appropriate congressional committees that the Sudan People's Liberation Movement has not engaged in good faith negotiations to achieve a permanent, just, and equitable peace agreement, then paragraph (2) shall not apply to the Government of Sudan.

''(D) If the President certifies to the appropriate congressional committees that the Government of Sudan is not in compliance with the terms of a permanent peace agreement between the Government of Sudan and the Sudan People's Liberation Movement, then the President, after consultation with the Congress, shall implement the measures set forth in paragraph (2).

''(E) If, at any time after the President has made a certification under subparagraph (B), the President makes a determination and certifies in writing to the appropriate congressional committees that the Government of Sudan has resumed good faith negotiations, or makes a determination and certifies in writing to the appropriate congressional committees that the Government of Sudan is in compliance with a peace agreement, then paragraph (2) shall not apply to the Government of Sudan.

''(2) MEASURES IN SUPPORT OF THE PEACE PROCESS.—Subject to the provisions of paragraph (1), the President—

''(A) shall, through the Secretary of the Treasury, instruct the United States executive directors to each international financial institution to continue to vote against and actively oppose any extension by the respective institution of any loan, credit, or guarantee to the Government of Sudan;

''(B) should consider downgrading or suspending diplomatic relations between the United States and the Government of Sudan;

''(C) shall take all necessary and appropriate steps, including through multilateral efforts, to deny the Government of Sudan access to oil revenues to ensure that the Government of Sudan neither directly nor indirectly utilizes any oil revenues to purchase or acquire military equipment or to finance any military activities; and

''(D) shall seek a United Nations Security Council Resolution to impose an arms embargo on the Government of Sudan.

''(c) REPORT ON THE STATUS OF NEGOTIATIONS.—If, at any time after the President has made a certification under subsection (b)(1)(A), the Government of Sudan discontinues negotiations with the Sudan People's Liberation Movement for a 14-day period, then the President shall submit a quarterly report to the appropriate congressional committees on the status of the peace process until negotiations resume.

''(d) REPORT ON UNITED STATES OPPOSITION TO FINANCING BY INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall submit a semiannual report to the appropriate congressional committees describing the steps taken by the United States to oppose the extension of a loan, credit, or guarantee if, after the Secretary of the Treasury gives the instructions described in subsection (b)(2)(A), such financing is extended.

''(e) REPORT ON EFFORTS TO DENY OIL REVENUES.—Not later than 45 days after the President takes an action under subsection (b)(2)(C), the President shall submit to the appropriate congressional committees a comprehensive plan for implementing the actions described in such subsection.

''(f) DEFINITION.—In this section, the term 'international financial institution' means the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, the African Development Bank, and the African Development Fund.

''SEC. 7. MULTILATERAL PRESSURE ON COMBATANTS.

''It is the sense of Congress that—

''(1) the United Nations should help facilitate peace and recovery in Sudan;

''(2) the President, acting through the United States Permanent Representative to the United Nations, should seek to end the veto power of the Government of Sudan over the plans by OLS for air transport relief flights and, by doing so, to end the manipulation of the delivery of relief supplies to the advantage of the Government of Sudan on the battlefield; and

''(3) the President should take appropriate measures, including the implementation of recommendations of the International Eminent Persons Commission contained in the report issued on May 22, 2002, to end slavery and aerial bombardment of civilians by the Government of Sudan.

''SEC. 8. REPORTING REQUIREMENTS.

''(a) REPORT ON COMMERCIAL ACTIVITY.—Not later than 30 days after the date of the enactment of the

Comprehensive Peace in Sudan Act of 2004 [Dec. 23, 2004], and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State, in consultation with relevant United States Government departments and agencies, shall submit to the appropriate congressional committees a report regarding commercial activity in Sudan that includes—

''(1) a description of the sources and current status of Sudan's financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located and the ability of the Government of Sudan to finance the war in Sudan with the proceeds of the oil exploitation;

''(2) a description of the extent to which that financing was secured in the United States or with the involvement of United States citizens; and

''(3) a description of the relationships between Sudan's arms industry and major foreign business enterprises and their subsidiaries, including government-controlled entities.

''(b) REPORT ON THE CONFLICT IN SUDAN, INCLUDING THE DARFUR REGION.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004 [Dec. 23, 2004], and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State shall prepare and submit to the appropriate congressional committees a report regarding the conflict in Sudan, including the conflict in the Darfur region. Such report shall include—

''(1) the best estimates of the extent of aerial bombardment of civilian centers in Sudan by the Government of Sudan, including targets, frequency, and best estimates of damage; and

''(2) a description of the extent to which humanitarian relief in Sudan has been obstructed or manipulated by the Government of Sudan or other forces, and a contingency plan to distribute assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

''(c) REPORT ON AFRICAN UNION MISSION IN SUDAN.—Until such time as AMIS concludes its mission in Darfur, in conjunction with the other reports required under this section, the Secretary of State, in consultation with all relevant Federal departments and agencies, shall prepare and submit a report, to the appropriate congressional committees, regarding—

''(1) a detailed description of all United States assistance provided to the African Union Mission in Sudan (referred to in this subsection as 'AMIS') since the establishment of AMIS, reported by fiscal year and the type and purpose of such assistance; and

''(2) the level of other international assistance provided to AMIS, including assistance from countries, regional and international organizations, such as the North Atlantic Treaty Organization, the European Union, the Arab League, and the United Nations, reported by fiscal year and the type and purpose of such assistance, to the extent possible.

''(d) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—In conjunction with the other reports required under this section, the Secretary of State shall submit a report to the appropriate congressional committees regarding sanctions imposed under section 6 of the Comprehensive Peace in Sudan Act of 2004 [Pub. L. 108–497, set out above], including—

''(1) a description of each sanction imposed under such provision of law;

''(2) the name of the individual or entity subject to the sanction, if applicable; and

''(3) whether or not such individual has been identified by the United Nations panel of experts.

''(e) REPORT ON UNITED STATES MILITARY ASSISTANCE.—In conjunction with the other reports required under this section, the Secretary of State shall submit a report to the appropriate congressional committees describing the effectiveness of any assistance provided under section 8 of the Darfur Peace and Accountability Act of 2006 [Pub. L. 109–344, set out above], including—

''(1) a detailed annex on any military assistance provided in the period covered by this report;

''(2) the results of any review or other monitoring conducted by the Federal Government with respect to assistance provided under that Act; and

''(3) any unauthorized retransfer or use of military assistance furnished by the United States.

''(g)[sic] DISCLOSURE TO THE PUBLIC.—The Secretary of State shall publish or otherwise make available to the public each unclassified report, or portion of a report that is unclassified, submitted under subsection (a) or (b).

''SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

''(a) SENSE OF CONGRESS.—It is the sense of the Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

''(b) REPORT.—Not later than 90 days after the date of enactment of this Act [Oct. 21, 2002], the President shall submit to the appropriate congressional committees a detailed report describing the progress made toward carrying out subsection (a).

''SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

''(a) PLAN.—The President shall develop a contingency plan to provide, outside the auspices of the United Nations if necessary, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains and the Upper Nile and the Blue Nile regions, in the event that the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

''(b) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations for the purposes of the plan.

''SEC. 11. INVESTIGATION OF WAR CRIMES.

''(a) IN GENERAL.—The Secretary of State shall collect information about incidents which may constitute crimes against humanity, genocide, war crimes, and other violations of international humanitarian law by all parties to the conflict in Sudan, including slavery, rape, and aerial bombardment of civilian targets.

''(b) REPORT.—Not later than 6 months after the date of the enactment of this Act [Oct. 21, 2002] and annually thereafter, the Secretary of State shall prepare and submit to the appropriate congressional committees a detailed report on the information that the Secretary of State has collected under subsection (a) and any findings or determinations made by the Secretary on the basis of that information. The report under this subsection may be submitted as part of the report required under section 8.

''(c) CONSULTATIONS WITH OTHER DEPARTMENTS.—In preparing the report required by this section, the Secretary of State shall consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests.

''SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

''(a) ASSISTANCE.—

''(1) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to provide assistance for Sudan as authorized in paragraph (5) of this section—

''(A) subject to the requirements of this section, to support the implementation of a comprehensive

peace agreement that applies to all regions of Sudan, including the Darfur region; and

''(B) to address the humanitarian and human rights crisis in the Darfur region and eastern Chad, including to support the African Union mission in the Darfur region, provided that no assistance may be made available to the Government of Sudan.

''(2) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—Assistance authorized under paragraph (1)(A) may be provided to the Government of Sudan only if the President certifies to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

''(A) ensure that the armed forces of Sudan and any associated militias are not committing atrocities or obstructing human rights monitors or the provision of humanitarian assistance;

''(B) demobilize and disarm militias supported or created by the Government of Sudan;

''(C) allow full and unfettered humanitarian assistance to all regions of Sudan, including the Darfur region;

''(D) allow an international commission of inquiry to conduct an investigation of atrocities in the Darfur region, in a manner consistent with United Nations Security Council Resolution 1564 (September 18, 2004), to investigate reports of violations of international humanitarian law and human rights law in the Darfur region by all parties, to determine also whether or not acts of genocide have occurred and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable;

''(E) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan;

''(F) permit the safe and voluntary return of displaced persons and refugees to their homes and rebuild the communities destroyed in the violence; and

''(G) implement the final agreements reached in the Naivasha peace process and install a new coalition government based on the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004.

''(3) CERTIFICATION WITH REGARD TO SPLM'S COMPLIANCE WITH A PEACE AGREEMENT.—If the President determines and certifies in writing to the appropriate congressional committees that the SPLM has not engaged in good faith negotiations, or has failed to honor the agreements signed, the President shall suspend assistance authorized in this section for the SPLM, except for health care, education, and humanitarian assistance.

''(4) SUSPENSION OF ASSISTANCE.—If, on a date after the President transmits the certification described in paragraph (2), the President determines that the Government of Sudan has ceased taking the actions described in such paragraph, the President shall immediately suspend the provision of any assistance to such Government under this section until the date on which the President transmits to the appropriate congressional committees a further certification that the Government of Sudan has resumed taking such actions.

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—In addition to any other funds otherwise available for such purposes, there are authorized to be appropriated to the President—

''(i) $100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 and 2007, unless otherwise authorized, to carry out paragraph (1)(A); and

''(ii) $200,000,000 for fiscal year 2005 to carry out paragraph (1)(B), provided that no amounts appropriated under this authorization may be made available for the Government of Sudan.

''(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

''(b) GOVERNMENT OF SUDAN DEFINED.—In this section, the term 'Government of Sudan' means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of the Comprehensive Peace in Sudan Act [of 2004, Dec. 23, 2004] (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).''

[Memorandum of President of the United States, Oct. 21, 2004, 69 F.R. 63039, delegated to the Secretary of State the determination, certification, and reporting functions of the President under sections 6(b)(1) and 6(c) of Pub. L. 107–245, set out above.]

[Memorandum of President of the United States, Mar. 14, 2005, 70 F.R. 14967, delegated to the Secretary of State the reporting function of the President under section 6(e) of Pub. L. 107–245, set out above.]

PRESIDENTIAL DETERMINATIONS ON THE SUDAN PEACE ACT

Provisions certifying good faith negotiations between the Government of Sudan and the Sudan People's Liberation Movement were contained in the following:

Determination of President of the United States, No. 2004–29, Apr. 21, 2004, 69 F.R. 24905.

Determination of President of the United States, No. 2004–05, Oct. 21, 2003, 68 F.R. 63977.

Determination of President of the United States, No. 2003–21, Apr. 21, 2003, 68 F.R. 20329.

ASSISTANCE EFFORTS IN SUDAN

Pub. L. 108–199, div. D, title V, § 534(j), Jan. 23, 2004, 118 Stat. 182, defined terms for purposes of section 501 of Pub. L. 106–570, formerly set out below.

Pub. L. 106–570, title V, § 501, Dec. 27, 2000, 114 Stat. 3050, authorized the President to undertake appropriate programs with indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in order to benefit the economic development of that area and its people and exempted exports from those areas from the export prohibitions of Ex. Ord. No. 13067, prior to repeal by Pub. L. 109–344, § 8(a), Oct. 13, 2006, 120 Stat. 1879.

IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION

Pub. L. 106–178, Mar. 14, 2000, 114 Stat. 38, as amended by Pub. L. 107–228, div. B, title XIII, § 1306, Sept. 30, 2002, 116 Stat. 1438; Pub. L. 109–112, §§ 3–4(e)(1), Nov. 22, 2005, 119 Stat. 2368, 2369; Pub. L. 109–353, § 3, Oct. 13, 2006, 120 Stat. 2015; Pub. L. 110–329, div. A, § 125, Sept. 30, 2008, 122 Stat. 3577, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Iran, North Korea, and Syria Nonproliferation Act'.

''SEC. 2. REPORTS ON PROLIFERATION RELATING TO IRAN, NORTH KOREA, AND SYRIA.

''(a) REPORTS.—The President shall, at the times specified in subsection (b), submit to the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate a report identifying every foreign person with respect to whom there is credible information indicating that that person, 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—

''(1) goods, services, or technology listed on—

''(A) 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);

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

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

''(D) 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

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

''(2) goods, services, or technology not listed on any list identified in paragraph (1) but which nevertheless would be, if they were United States goods, services, or technology, prohibited for export to Iran, North Korea, or Syria, as the case may be, because of their potential to make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems.

''(b) TIMING OF REPORTS.—The reports under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act [Mar. 14, 2000], not later than 6 months after such date of enactment, and not later than the end of each 6-month period thereafter.

''(c) EXCEPTIONS.—Any foreign person who—

''(1) was identified in a previous report submitted under subsection (a) on account of a particular transfer; or

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

is not required to 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 may have continued, or been larger, more significant, or different in nature than previously reported under this section.

''(d) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, reports submitted under subsection (a), or appropriate parts thereof, may be submitted in classified form.

''(e) CONTENT OF REPORTS.—Each report under subsection (a) shall contain, with respect to each foreign person identified in such report, a brief description of the type and quantity of the goods, services, or technology transferred by that person to Iran, the circumstances surrounding the transfer, the usefulness of the transfer to Iranian weapons programs, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over the person.

''SEC. 3. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

''(a) APPLICATION OF MEASURES.—Subject to sections 4 and 5, the President is authorized to apply with respect to each foreign person identified in a report submitted pursuant to section 2(a), for such period of time as he may determine, any or all of the measures described in subsection (b).

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

''(1) EXECUTIVE ORDER NO. 12938 PROHIBITIONS.—The measures set forth in subsections (b) and (c) of section 4 of Executive Order No. 12938.

''(2) ARMS EXPORT PROHIBITION.—Prohibition on United States Government sales to that foreign person of any item on the United States Munitions List as in effect on August 8, 1995, and termination of sales to that 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 that person of items the export of which is controlled under the Export Administration Act of 1979 [50 U.S.C. App. 2401 et seq.] or the Export Administration Regulations.

''(c) EFFECTIVE DATE OF MEASURES.—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 2(b);

''(2) 90 days after the date required by section 2(b) 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 2(b).

''(d) PUBLICATION IN FEDERAL REGISTER.—The application of measures to a foreign person pursuant to subsection (a) shall be announced by notice published in the Federal Register.

''SEC. 4. PROCEDURES IF MEASURES ARE NOT APPLIED.

''(a) REQUIREMENT TO NOTIFY CONGRESS.—Should the President not exercise the authority of section 3(a) to apply any or all of the measures described in section 3(b) with respect to a foreign person identified in a report submitted pursuant to section 2(a), he shall so notify the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate no later than the effective date under section 3(c) for measures with respect to that person.

''(b) WRITTEN JUSTIFICATION.—Any notification submitted by the President under subsection (a) shall include a written justification describing in detail the facts and circumstances relating specifically to the foreign person identified in a report submitted pursuant to section 2(a) that support the President's decision not to exercise the authority of section 3(a) with respect to that person.

''(c) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be submitted in classified form.

''SEC. 5. DETERMINATION EXEMPTING FOREIGN PERSON FROM SECTIONS 3 AND 4.

''(a) IN GENERAL.—Sections 3 and 4 shall not apply to a foreign person 15 days after the President reports to the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate that the President has determined, on the basis of information provided by that person, or otherwise obtained by the President, that—

''(1) the 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, the goods, services, or technology the apparent transfer of which caused that person to be identified in a report submitted pursuant to section 2(a);

''(2) the goods, services, or technology the transfer of which caused that person to be identified in a report submitted pursuant to section 2(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 that list;

''(3) the person is subject to the primary jurisdiction of a government that is an adherent to one or more relevant nonproliferation regimes, the person was identified in a report submitted pursuant to section 2(a) with respect to a transfer of goods, services,

or technology described in section 2(a)(1), and such transfer was made consistent with the guidelines and parameters of all such relevant regimes of which such government is an adherent; or

''(4) the government with primary jurisdiction over the person has imposed meaningful penalties on that person on account of the transfer of the goods, services, or technology which caused that person to be identified in a report submitted pursuant to section 2(a).

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

''(1) in every appropriate case, to contact in a timely fashion each foreign person identified in each report submitted pursuant to section 2(a), or the government with primary jurisdiction over such person, in order to afford such person, or governments, the opportunity to provide explanatory, exculpatory, or other additional information with respect to the transfer that caused such person to be identified in a report submitted pursuant to section 2(a); and

''(2) to exercise the authority in subsection (a) in all cases where information obtained from a foreign person identified in a report submitted pursuant to section 2(a), or from the government with primary jurisdiction over such person, establishes that the exercise of such authority is warranted.

''(c) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be submitted in classified form.

''SEC. 6. RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.

''(a) RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—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 the extraordinary payments in connection with the International Space Station are to be made, the President has made the determination described in subsection (b), and reported such determination to the Committee on International Relations [now Committee on Foreign Affairs] and the Committee on Science [now 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 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 development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems; and

''(3) neither the Russian Aviation and Space Agency, nor any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, has, during the 1-year period prior to the date of the determination pursuant to this subsection, made transfers to or from Iran, North Korea, or Syria reportable under section 2(a) of this Act (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 5 days before making a determination under subsection (b), the President shall notify the Committee on International Relations [now Committee on Foreign Affairs] and the Committee on Science [now 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 of his intention to make such determination.

''(d) WRITTEN JUSTIFICATION.—A determination of the President under subsection (b) shall include a written justification describing in detail the facts and circumstances supporting the President's conclusion.

''(e) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, a determination of the President under subsection (b), a prior notification under subsection (c), and a written justification under subsection (d), or appropriate parts thereof, may be submitted in classified form.

''(f) EXCEPTION FOR CREW SAFETY.—

''(1) EXCEPTION.—The National Aeronautics and Space Administration may make extraordinary payments that would otherwise be prohibited under this section to the Russian Aviation and Space Agency or any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency if the President has notified the Congress in writing that such payments are necessary to prevent the imminent loss of life by 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 submit 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 by 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 by or grievous injury to individuals aboard the International Space Station.

''(g) SERVICE MODULE EXCEPTION.—

''(1) The National Aeronautics and Space Administration may make extraordinary payments that would otherwise be prohibited under this section 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 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 5 days before making such payments;

''(B) no report has been made under section 2 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) For purposes of this subsection, the term 'maintenance' means activities which 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) This subsection shall cease to be effective 60 days after a United States propulsion module is in place at the International Space Station.

''(h) EXCEPTION.—Notwithstanding subsections (a) and (b), 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—

''(1) section 3 of this Act; or

''(2) section 4 of Executive Order No. 12938 (November 14, 1994), as amended by Executive Order No. 13094 (July 28, 1998).

Such payments shall also not be made to any other entity if the agency of the United States Government anticipates that such payments will be passed on to such a foreign person.

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

''(1) IN GENERAL.—The President shall, together with each report submitted under section 2(a), submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations [now 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 the date of the enactment of the Iran Nonproliferation Amendments Act of 2005 [Nov. 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 submitted under paragraph (1) shall include—

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

''(B) with respect to each such payment, the assessment of the President that the payment was not prejudicial to the achievement of the objectives of the United States 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. 7. DEFINITIONS.

''For purposes of this Act, the following terms have the following meanings:

''(1) 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 Russian Government 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 those 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 prior to July 1, 2016, for work to be performed or services to be rendered prior to that date necessary to meet United States obligations under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

''(2) FOREIGN PERSON; PERSON.—The terms 'foreign person' and 'person' mean—

''(A) a natural person that is an alien;

''(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

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

''(D) any successor, subunit, or subsidiary of any entity described in subparagraph (A), (B), or (C), including any entity in which any entity described in any such subparagraph owns a controlling interest.

''(3) EXECUTIVE ORDER NO. 12938.—The term 'Executive Order No. 12938' means Executive Order No. 12938 [listed in a table below] as in effect on January 1, 1999.

''(4) ADHERENT TO RELEVANT NONPROLIFERATION REGIME.—A government is an 'adherent' to a 'relevant nonproliferation regime' if that government—

''(A) is a member of the Nuclear Suppliers Group with respect to a transfer of goods, services, or technology described in section 2(a)(1)(A);

''(B) is a member of the Missile Technology Control Regime with respect to a transfer of goods, services, or technology described in section 2(a)(1)(B), 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 2(a)(1)(C);

''(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 2(a)(1)(D); or

''(E) is a member of the Wassenaar Arrangement with respect to a transfer of goods, services, or technology described in section 2(a)(1)(E).

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

''(A) 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 Russian Government 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 Russian Government at any other time before, on, or after the date of the enactment of this Act [Mar. 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) 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.''

[Pub. L. 109–112, § 4(e)(2), Nov. 22, 2005, 119 Stat. 2370, provided that: ''Any reference in a law, regulation, document, or other record of the United States to the Iran Nonproliferation Act of 2000 [now Iran, North Korea, and Syria Nonproliferation Act, Pub. L. 106–198, set out above] shall be deemed to be a reference to the Iran and Syria Nonproliferation Act.'']

[Memorandum of President of the United States, Sept. 11, 2000, 65 F.R. 56209, delegated to the Secretary of State functions and authorities conferred on the President under Pub. L. 106–178, set out above, with the exception of section 6(f) and (g), from which were delegated to the Secretary of State only section 6(f)(2)(A) and (g)(1)(B), with the remaining functions and authorities under section 6(f) and (g) delegated to the Administrator of the National Aeronautics and Space Administration, and provided that authorities and functions delegated by the memorandum could be redelegated.]

APPLICATION OF AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT TO COMMUNIST CHINESE MILITARY COMPANIES

Pub. L. 105–261, div. A, title XII, § 1237, Oct. 17, 1998, 112 Stat. 2160, as amended by Pub. L. 106–398, § 1 [[div. A], title XII, § 1233], Oct. 30, 2000, 114 Stat. 1654, 1654A–330; Pub. L. 108–375, div. A, title XII, § 1222, Oct. 28, 2004, 118 Stat. 2089, provided that:

''(a) PRESIDENTIAL AUTHORITY.—

''(1) IN GENERAL.—The President may exercise IEEPA authorities (other than authorities relating to importation) without regard to section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) in the case of any commercial activity in the United States by a person that is on the list published under subsection (b).

''(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under paragraph (1).

''(3) IEEPA AUTHORITIES.—For purposes of paragraph (1), the term 'IEEPA authorities' means the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)).

''(b) DETERMINATION AND REPORTING OF COMMUNIST CHINESE MILITARY COMPANIES OPERATING IN UNITED STATES.—

''(1) INITIAL DETERMINATION AND REPORTING.—Not later than March 1, 2001, the Secretary of Defense shall make a determination of those persons operating directly or indirectly in the United States or any of its territories and possessions that are Communist Chinese military companies and shall submit a list of those persons in classified and unclassified form to the following:

''(A) The Committee on Armed Services of the House of Representatives.

''(B) The Committee on Armed Services of the Senate.

''(C) The Secretary of State.

''(D) The Secretary of the Treasury.

''(E) The Attorney General.

''(F) The Secretary of Commerce.

''(G) The Secretary of Energy.

''(H) The Director of Central Intelligence.

''(2) ANNUAL REVISIONS TO THE LIST.—The Secretary of Defense shall make additions or deletions to the list submitted under paragraph (1) on an annual basis based on the latest information available and shall submit the updated list not later than February 1, each year to the committees and officers specified in paragraph (1).

''(3) CONSULTATION.—The Secretary of Defense shall consult with the following officers in carrying out paragraphs (1) and (2):

''(A) The Attorney General.

''(B) The Director of Central Intelligence.

''(C) The Director of the Federal Bureau of Investigation.

''(4) COMMUNIST CHINESE MILITARY COMPANY.—For purposes of making the determination required by paragraph (1) and of carrying out paragraph (2), the term 'Communist Chinese military company' means—

''(A) any person identified in the Defense Intelligence Agency publication numbered VP–1920–271–90, dated September 1990, or PC–1921–57–95, dated October 1995, and any update of those publications for the purposes of this section; and

''(B) any other person that—

''(i) is owned or controlled by, or affiliated with, the People's Liberation Army or a ministry of the government of the People's Republic of China or that is owned or controlled by an entity affiliated with the defense industrial base of the People's Republic of China; and

''(ii) is engaged in providing commercial services, manufacturing, producing, or exporting.

''(c) PEOPLE'S LIBERATION ARMY.—For purposes of this section, the term 'People's Liberation Army' means the land, naval, and air military services, the police, and the intelligence services of the Communist Government of the People's Republic of China, and any member of any such service or of such police.''

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of this title.]

IRAN SANCTIONS

Pub. L. 104–172, Aug. 5, 1996, 110 Stat. 1541, as amended by Pub. L. 107–24, §§ 2(a), 3–5, Aug. 3, 2001, 115 Stat. 199, 200; Pub. L. 109–267, § 1, Aug. 4, 2006, 120 Stat. 680; Pub. L. 109–293, title II, §§ 201–202(b), 203–205(g)(1), Sept. 30, 2006, 120 Stat. 1345–1347, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Iran Sanctions Act of 1996'.

''SEC. 2. FINDINGS.

''The Congress makes the following findings:

''(1) The efforts of the Government of Iran to acquire weapons of mass destruction and the means to deliver them and its support of acts of international terrorism endanger the national security and foreign policy interests of the United States and those countries with which the United States shares common strategic and foreign policy objectives.

''(2) The objective of preventing the proliferation of weapons of mass destruction and acts of international terrorism through existing multilateral and bilateral initiatives requires additional efforts to deny Iran the financial means to sustain its nuclear, chemical, biological, and missile weapons programs.

''(3) The Government of Iran uses its diplomatic facilities and quasi-governmental institutions outside of Iran to promote acts of international terrorism and assist its nuclear, chemical, biological, and missile weapons programs.

''SEC. 3. DECLARATION OF POLICY.

''The Congress declares that it is the policy of the United States to deny Iran the ability to support acts of international terrorism and to fund the development

and acquisition of weapons of mass destruction and the means to deliver them by limiting the development of Iran's ability to explore for, extract, refine, or transport by pipeline petroleum resources of Iran.

''SEC. 4. MULTILATERAL REGIME.

''(a) MULTILATERAL NEGOTIATIONS.—In order to further the objectives of section 3, the Congress urges the President to commence immediately diplomatic efforts, both in appropriate international fora such as the United Nations, and bilaterally with allies of the United States, to establish a multilateral sanctions regime against Iran, including provisions limiting the development of petroleum resources, that will inhibit Iran's efforts to carry out activities described in section 2.

''(b) REPORTS TO CONGRESS.—The President shall report to the appropriate congressional committees, not later than 1 year after the date of the enactment of this Act [Aug. 5, 1996], and periodically thereafter, on the extent that diplomatic efforts described in subsection (a) have been successful. Each report shall include—

''(1) the countries that have agreed to undertake measures to further the objectives of section 3 with respect to Iran, and a description of those measures; and

''(2) the countries that have not agreed to measures described in paragraph (1), and, with respect to those countries, other measures (in addition to that provided in subsection (d)) the President recommends that the United States take to further the objectives of section 3 with respect to Iran.

''(c) WAIVER.—

''(1) IN GENERAL.—The President may, on a case by case basis, waive for a period of not more than six months the application of section 5(a) with respect to a national of a country, if the President certifies to the appropriate congressional committees at least 30 days before such waiver is to take effect that such waiver is vital to the national security interests of the United States.

''(2) SUBSEQUENT RENEWAL OF WAIVER.—If the President determines that, in accordance with paragraph (1), such a waiver is appropriate, the President may, at the conclusion of the period of a waiver under paragraph (1), renew such waiver for subsequent periods of not more than six months each.

''(d) ENHANCED SANCTION.—

''(1) SANCTION.—With respect to nationals of countries except those with respect to which the President has exercised the waiver authority of subsection (c), at any time after the first report is required to be submitted under subsection (b), section 5(a) shall be applied by substituting '$20,000,000' for '$40,000,000' each place it appears, and by substituting '$5,000,000' for '$10,000,000'.

''(2) REPORT TO CONGRESS.—The President shall report to the appropriate congressional committees any country with respect to which paragraph (1) applies.

''(e) INTERIM REPORT ON MULTILATERAL SANCTIONS; MONITORING.—The President, not later than 90 days after the date of the enactment of this Act, shall report to the appropriate congressional committees on—

''(1) whether the member states of the European Union, the Republic of Korea, Australia, Israel, or Japan have legislative or administrative standards providing for the imposition of trade sanctions on persons or their affiliates doing business or having investments in Iran or Libya;

''(2) the extent and duration of each instance of the application of such sanctions; and

''(3) the disposition of any decision with respect to such sanctions by the World Trade Organization or its predecessor organization.

''(f) INVESTIGATIONS.—

''(1) IN GENERAL.—The President should initiate an investigation into the possible imposition of sanctions under section 5(a) against a person upon receipt by the United States of credible information indicating that such person is engaged in investment activity in Iran as described in such section.

''(2) DETERMINATION AND NOTIFICATION.—Not later than 180 days after an investigation is initiated in accordance with paragraph (1), the President should determine, pursuant to section 5(a), if a person has engaged in investment activity in Iran as described in such section and shall notify the appropriate congressional committees of the basis for any such determination.

''SEC. 5. IMPOSITION OF SANCTIONS.

''(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act [Aug. 5, 1996], made an investment of $40,000,000 or more (or any combination of investments of at least $10,000,000 each, which in the aggregate equals or exceeds $40,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Iran's ability to develop petroleum resources of Iran.

''(b) MANDATORY SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.—The President shall impose two or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, on or after the date of the enactment of this Act [Aug. 5, 1996], exported, transferred, or otherwise provided to Iran any goods, services, technology, or other items knowing that the provision of such goods, services, technology, or other items would contribute materially to the ability of Iran to—

''(1) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

''(2) acquire or develop destabilizing numbers and types of advanced conventional weapons.

''(c) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions described in subsections (a) and (b) shall be imposed on—

''(1) any person the President determines has carried out the activities described in subsection (a) or (b); and

''(2) any person the President determines—

''(A) is a successor entity to the person referred to in paragraph (1);

''(B) is a parent or subsidiary of the person referred to in paragraph (1) if that parent or subsidiary, with actual knowledge, engaged in the activities referred to in paragraph (1); or

''(C) is an affiliate of the person referred to in paragraph (1) if that affiliate, with actual knowledge, engaged in the activities referred to in paragraph (1) and if that affiliate is controlled in fact by the person referred to in paragraph (1).

For purposes of this Act, any person or entity described in this subsection shall be referred to as a 'sanctioned person'.

''(d) PUBLICATION IN FEDERAL REGISTER.—The President shall cause to be published in the Federal Register a current list of persons and entities on whom sanctions have been imposed under this Act. The removal of persons or entities from, and the addition of persons and entities to, the list, shall also be so published.

''(e) PUBLICATION OF PROJECTS.—The President shall cause to be published in the Federal Register a list of all significant projects which have been publicly tendered in the oil and gas sector in Iran.

''(f) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under subsection (a) or (b)—

''(1) in the case of procurement of defense articles or defense services—

''(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

''(B) if the President determines in writing that the person to which the sanctions would otherwise

be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

''(C) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

''(2) in the case of procurement, to eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b)(1) of that Act (19 U.S.C. 2511(b)(1));

''(3) to products, technology, or services provided under contracts entered into before the date on which the President publishes in the Federal Register the name of the person on whom the sanctions are to be imposed;

''(4) to—

''(A) spare parts which are essential to United States products or production;

''(B) component parts, but not finished products, essential to United States products or production; or

''(C) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

''(6) to information and technology essential to United States products or production; or

''(7) to medicines, medical supplies, or other humanitarian items.

''SEC. 6. DESCRIPTION OF SANCTIONS.

''The sanctions to be imposed on a sanctioned person under section 5 are as follows:

''(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to any sanctioned person.

''(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—

''(i) the Export Administration Act of 1979 [50 U.S.C. App. 2401 et seq.];

''(ii) the Arms Export Control Act [22 U.S.C. 2751 et seq.];

''(iii) the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.]; or

''(iv) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

''(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than $10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

''(4) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against a sanctioned person that is a financial institution:

''(A) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

''(B) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—Such financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

The imposition of either sanction under subparagraph (A) or (B) shall be treated as 1 sanction for purposes of section 5, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of section 5.

''(5) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

''(6) ADDITIONAL SANCTIONS.—The President may impose sanctions, as appropriate, to restrict imports with respect to a sanctioned person, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 and following).

''SEC. 7. ADVISORY OPINIONS.

''The Secretary of State may, upon the request of any person, issue an advisory opinion to that person as to whether a proposed activity by that person would subject that person to sanctions under this Act. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, will not be made subject to such sanctions on account of such activity.

''SEC. 8. TERMINATION OF SANCTIONS.

''The requirement under section 5(a) to impose sanctions shall no longer have force or effect with respect to Iran if the President determines and certifies to the appropriate congressional committees that Iran—

''(1) has ceased its efforts to design, develop, manufacture, or acquire—

''(A) a nuclear explosive device or related materials and technology;

''(B) chemical and biological weapons; and

''(C) ballistic missiles and ballistic missile launch technology;

''(2) has been removed from the list of countries the governments of which have been determined, for purposes of section 6(j) of the Export Administration Act of 1979 [50 U.S.C. App. 2405(j)], to have repeatedly provided support for acts of international terrorism; and

''(3) poses no significant threat to United States national security, interests, or allies.

''SEC. 9. DURATION OF SANCTIONS; PRESIDENTIAL WAIVER.

''(a) DELAY OF SANCTIONS.—

''(1) CONSULTATIONS.—If the President makes a determination described in section 5(a) or 5(b) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions under this Act.

''(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue consultations under paragraph (1) with the government concerned, the President may delay imposition of sanctions under this Act for up to 90 days. Following such consultations, the President shall immediately impose sanctions unless the President determines and certifies to the Congress that the government has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties, to terminate the involvement of the foreign person in the activities that resulted in the determination by the President under section 5(a) or 5(b) concerning such person.

''(3) ADDITIONAL DELAY IN IMPOSITION OF SANCTIONS.—The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that the government with primary jurisdiction over the person concerned is in the process of taking the actions described in paragraph (2).

''(4) REPORT TO CONGRESS.—Not later than 90 days after making a determination under section 5(a) or 5(b), the President shall submit to the appropriate congressional committees a report on the status of consultations with the appropriate foreign govern-

ment under this subsection, and the basis for any determination under paragraph (3).

''(b) DURATION OF SANCTIONS.—A sanction imposed under section 5 shall remain in effect—

''(1) for a period of not less than 2 years from the date on which it is imposed; or

''(2) until such time as the President determines and certifies to the Congress that the person whose activities were the basis for imposing the sanction is no longer engaging in such activities and that the President has received reliable assurances that such person will not knowingly engage in such activities in the future, except that such sanction shall remain in effect for a period of at least 1 year.

''(c) PRESIDENTIAL WAIVER.—

''(1) AUTHORITY.—The President may waive the requirement in section 5 to impose a sanction or sanctions on a person described in section 5(c), and may waive the continued imposition of a sanction or sanctions under subsection (b) of this section, 30 days or more after the President determines and so reports to the appropriate congressional committees that it is important to the national interest of the United States to exercise such waiver authority.

''(2) CONTENTS OF REPORT.—Any report under paragraph (1) shall provide a specific and detailed rationale for the determination under paragraph (1), including—

''(A) a description of the conduct that resulted in the determination under section 5(a) or (b), as the case may be;

''(B) in the case of a foreign person, an explanation of the efforts to secure the cooperation of the government with primary jurisdiction over the sanctioned person to terminate or, as appropriate, penalize the activities that resulted in the determination under section 5(a) or (b), as the case may be;

''(C) an estimate of the significance of the provision of the items described in section 5(a) or section 5(b) to Iran's ability to, respectively, develop its petroleum resources or its weapons of mass destruction or other military capabilities; and

''(D) a statement as to the response of the United States in the event that the person concerned engages in other activities that would be subject to section 5(a) or (b).

''(3) EFFECT OF REPORT ON WAIVER.—If the President makes a report under paragraph (1) with respect to a waiver of sanctions on a person described in section 5(c), sanctions need not be imposed under section 5(a) or (b) on that person during the 30-day period referred to in paragraph (1).

''SEC. 10. REPORTS REQUIRED.

''(a) REPORT ON CERTAIN INTERNATIONAL INITIATIVES.—Not later than 6 months after the date of the enactment of this Act [Aug. 5, 1996], and every 6 months thereafter, the President shall transmit a report to the appropriate congressional committees describing—

''(1) the efforts of the President to mount a multilateral campaign to persuade all countries to pressure Iran to cease its nuclear, chemical, biological, and missile weapons programs and its support of acts of international terrorism;

''(2) the efforts of the President to persuade other governments to ask Iran to reduce the presence of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran and to withdraw any such diplomats or representatives who participated in the takeover of the United States embassy in Tehran on November 4, 1979, or the subsequent holding of United States hostages for 444 days;

''(3) the extent to which the International Atomic Energy Agency has established regular inspections of all nuclear facilities in Iran, including those presently under construction; and

''(4) Iran's use of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran to promote acts of international terrorism or to develop or sustain Iran's nuclear, chemical, biological, and missile weapons programs.

''(b) REPORT ON EFFECTIVENESS OF ACTIONS UNDER THIS ACT.—Not earlier than 24 months, and not later than 30 months, after the date of the enactment of the ILSA Extension Act of 2001 [Aug. 3, 2001], the President shall transmit to Congress a report that describes—

''(1) the extent to which actions relating to trade taken pursuant to this Act—

''(A) have been effective in achieving the objectives of section 3 and any other foreign policy or national security objectives of the United States with respect to Iran; and

''(B) have affected humanitarian interests in Iran, the country in which the sanctioned person is located, or in other countries; and

''(2) the impact of actions relating to trade taken pursuant to this Act on other national security, economic, and foreign policy interests of the United States, including relations with countries friendly to the United States, and on the United States economy.

The President may include in the report the President's recommendation on whether or not this Act should be terminated or modified.

''(c) OTHER REPORTS.—The President shall ensure the continued transmittal to the Congress of reports describing—

''(1) the nuclear and other military capabilities of Iran, as required by section 601(a) of the Nuclear Non-Proliferation Act of 1978 [22 U.S.C. 3281(a)] and section 1607 of the National Defense Authorization Act for Fiscal Year 1993 [Pub. L. 102–484, set out below]; and

''(2) the support provided by Iran for acts of international terrorism, as part of the Department of State's annual report on international terrorism.

''SEC. 11. DETERMINATIONS NOT REVIEWABLE.

''A determination to impose sanctions under this Act shall not be reviewable in any court.

''SEC. 12. EXCLUSION OF CERTAIN ACTIVITIES.

''Nothing in this Act shall apply to any activities subject to the reporting requirements of title V of the National Security Act of 1947 [50 U.S.C. 413 et seq.].

''SEC. 13. EFFECTIVE DATE; SUNSET.

''(a) EFFECTIVE DATE.—This Act shall take effect on the date of the enactment of this Act [Aug. 5, 1996].

''(b) SUNSET.—This Act shall cease to be effective on December 31, 2011.

''SEC. 14. DEFINITIONS.

''As used in this Act:

''(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' means an act—

''(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

''(B) which appears to be intended—

''(i) to intimidate or coerce a civilian population;

''(ii) to influence the policy of a government by intimidation or coercion; or

''(iii) to affect the conduct of a government by assassination or kidnapping.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate and the Committee on Ways and Means, the Committee on Banking and Financial Services [now Committee on Financial Services], and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives.

''(3) COMPONENT PART.—The term 'component part' has the meaning given that term in section 11A(e)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(1)).

''(4) DEVELOP AND DEVELOPMENT.—To 'develop', or the 'development' of, petroleum resources means the exploration for, or the extraction, refining, or transportation by pipeline of, petroleum resources.

''(5) FINANCIAL INSTITUTION.—The term 'financial institution' includes—

''(A) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act [12 U.S.C. 1813(c)(1)]), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 [12 U.S.C. 3101(b)(7)]);

''(B) a credit union;

''(C) a securities firm, including a broker or dealer;

''(D) an insurance company, including an agency or underwriter; and

''(E) any other company that provides financial services.

''(6) FINISHED PRODUCT.—The term 'finished product' has the meaning given that term in section 11A(e)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(2)).

''(7) FOREIGN PERSON.—The term 'foreign person' means—

''(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

''(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

''(8) GOODS AND TECHNOLOGY.—The terms 'goods' and 'technology' have the meanings given those terms in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

''(9) INVESTMENT.—The term 'investment' means any of the following activities if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Iran or a nongovernmental entity in Iran on or after the date of the enactment of this Act [Aug. 5, 1996]:

''(A) The entry into a contract that includes responsibility for the development of petroleum resources located in Iran, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

''(B) The purchase of a share of ownership, including an equity interest, in that development.

''(C) The entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

The term 'investment' does not include the entry into, performance, or financing of a contract to sell or purchase goods, services, or technology. For purposes of this paragraph, an amendment or other modification that is made, on or after June 13, 2001, to an agreement or contract shall be treated as the entry of an agreement or contract.

''(10) IRAN.—The term 'Iran' includes any agency or instrumentality of Iran.

''(11) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term 'Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran' includes employees, representatives, or affiliates of Iran's—

''(A) Foreign Ministry;

''(B) Ministry of Intelligence and Security;

''(C) Revolutionary Guard Corps;

''(D) Crusade for Reconstruction;

''(E) Qods (Jerusalem) Forces;

''(F) Interior Ministry;

''(G) Foundation for the Oppressed and Disabled;

''(H) Prophet's Foundation;

''(I) June 5th Foundation;

''(J) Martyr's Foundation;

''(K) Islamic Propagation Organization; and

''(L) Ministry of Islamic Guidance.

''(12) NUCLEAR EXPLOSIVE DEVICE.—The term 'nuclear explosive device' means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material (as defined in section 11(aa) of the Atomic Energy Act of 1954 [42 U.S.C. 2014(aa)]) that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

''(13) PERSON.—The term 'person' means—

''(A) a natural person;

''(B) a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise; and

''(C) any successor to any entity described in subparagraph (B).

''(14) PETROLEUM RESOURCES.—The term 'petroleum resources' includes petroleum and natural gas resources.

''(15) UNITED STATES OR STATE.—The term 'United States' or 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

''(16) UNITED STATES PERSON.—The term 'United States person' means—

''(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

''(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.''

[Pub. L. 109–293, title II, § 202(c), Sept. 30, 2006, 120 Stat. 1346, provided that: ''The amendments made by this section [amending section 5 of Pub. L. 104–172, set out above] shall apply with respect to actions taken on or after June 6, 2006.'']

[Pub. L. 109–293, title II, § 205(g)(2), Sept. 30, 2006, 120 Stat. 1347, provided that: ''Any reference in any other provision of law, regulation, document, or other record of the United States to the 'Iran and Libya Sanctions Act of 1996' shall be deemed to be a reference to the 'Iran Sanctions Act of 1996' [Pub. L. 104–172, set out above].'']

[Pub. L. 107–24, § 2(b), Aug. 3, 2001, 115 Stat. 199, provided that: ''The amendments made by subsection (a) [amending section 5 of Pub. L. 104–172, set out above] shall apply to investments made on or after June 13, 2001.'']

[Memorandum of President of the United States, Nov. 21, 1996, 61 F.R. 64249, delegated to the Secretary of State, in consultation with the Departments of the Treasury and Commerce and the United States Trade Representative, and with the Export-Import Bank and Federal Reserve Board and other interested agencies as appropriate functions vested in the President by sections 4(c), 5(a), (b), (c), (f), 6(1), (2), and 9(c) of Pub. L. 104–172, set out above, delegated to the Secretary of State functions vested in the President by sections 4(a), (b), (d), (e), 5(d), (e), 9(a), (b), and 10 of Pub. L. 104–172, provided that any reference to provisions of any Act related to the subject of the memorandum be deemed to include references to any subsequent provision of law that is the same or substantially the same as such provisions, and provided that only the functions vested in the President by sections 4(a), (b), (d), (e), 5(d), (e), and 10 of Pub. L. 104–172 and delegated by the memorandum could be redelegated.]

DETERMINATION AND CERTIFICATION UNDER SECTION 8(b) OF THE IRAN AND LIBYA SANCTIONS ACT

Determination of President of the United States, No. 2004–30, Apr. 23, 2004, 69 F.R. 24907, provided:

Memorandum for the Secretary of State

Pursuant to section 8(b) of the Iran and Libya Sanctions Act of 1996 [now Iran Sanctions Act of 1996] (Public Law 104–172; 50 U.S.C. 1701 note), as amended (Public Law 107–24), I hereby determine and certify that Libya has fulfilled the requirements of United Nations Security Council Resolution 731, adopted January 21, 1992, United Nations Security Council Resolution 748, adopted March 31, 1992, and United Nations Security Council Resolution 883, adopted November 11, 1993.

You are authorized and directed to transmit this determination and certification to the appropriate congressional committees and to arrange for its publication in the Federal Register.

GEORGE W. BUSH.

SANCTIONS AGAINST SERBIA AND MONTENEGRO

Pub. L. 106–113, div. B, §1000(a)(2) [title V, §599], Nov. 29, 1999, 113 Stat. 1535, 1501A–127, provided that:

''(a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect for fiscal year 2000, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations [now Foreign Affairs] of the House of Representatives a certification described in subsection (c).

''(b) APPLICABLE SANCTIONS.—

''(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia.

''(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia in the OSCE or any organization affiliated with the OSCE.

''(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

''(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia.

''(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia.

''(c) CERTIFICATION.—A certification described in this subsection is a certification that—

''(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

''(2) the Government of Serbia is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

''(3) the Government of Serbia is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

''(4) the Government of Serbia is implementing internal democratic reforms; and

''(5) Serbian federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

''(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations [now Foreign Affairs] in the House of Representatives the certification described in subsection (c).

''(e) EXEMPTION OF MONTENEGRO AND KOSOVA.—The sanctions described in subsection (b) shall not apply to Montenegro or Kosova.

''(f) DEFINITION.—The term 'international financial institution' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

''(g) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs.''

Pub. L. 105–277, div. A, §101(d) [title V, §539], Oct. 21, 1998, 112 Stat. 2681–150, 2681–182, provided that:

''(a) RESTRICTIONS.—None of the funds in this or any other Act may be made available to modify or remove any sanction, prohibition or requirement with respect to Serbia-Montenegro unless the President first submits to the Congress a certification described in subsection (c).

''(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia-Montenegro, unless the President first submits to the Congress a certification described in subsection (c).

''(c) CERTIFICATION.—A certification described in this subsection is a certification that—

''(1) there is substantial improvement in the human rights situation in Kosova;

''(2) international human rights observers are allowed to return to Kosova;

''(3) Serbian, Serbian-Montenegrin federal government officials, and representatives of the ethnic Albanian community in Kosova have agreed on and begun implementation of a negotiated settlement on the future status of Kosova; and

''(4) the government of Serbia-Montenegro is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia-Herzegovina including fully cooperating with the International Criminal Tribunal for the Former Yugoslavia.

''(d) WAIVER AUTHORITY.—The President may waive the application, in whole or in part, of subsections (a) and (b) if he certifies in writing to the Congress that the waiver is necessary to meet emergency humanitarian needs or to advance negotiations toward a peaceful settlement of the conflict in Kosova that is acceptable to the parties.

''(e) EXEMPTION FOR MONTENEGRO.—This section shall not apply to Montenegro.''

[For delegation of functions of President under section 101(d) [title V, § 539] of div. A of Pub. L. 105–277, set out above, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of Title 22, Foreign Relations and Intercourse.]

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104–208, div. A, title I, § 101(c) [title V, § 540], Sept. 30, 1996, 110 Stat. 3009–121, 3009–155.

Pub. L. 104–107, title V, § 540A(a)–(c), Feb. 12, 1996, 110 Stat. 737.

Pub. L. 103–160, div. A, title XV, § 1511, Nov. 30, 1993, 107 Stat. 1839, provided that:

''(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions imposed on Serbia and Montenegro, as in effect on the date of the enactment of this Act [Nov. 30, 1993], that were imposed by or pursuant to the following directives of the executive branch shall (except as provided under subsections (d) and (e)) remain in effect until changed by law:

''(1) Executive Order 12808 of May 30, 1992 [listed in a table below], as continued in effect on May 25, 1993.

''(2) Executive Order 12810 of June 5, 1992 [listed in a table below].

''(3) Executive Order 12831 of January 15, 1993 [listed in a table below].

''(4) Executive Order 12846 of April 25, 1993 [listed in a table below].

''(5) Department of State Public Notice 1427, effective July 11, 1991.

''(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

''(7) Department of Transportation Order 92–5–38 of May 20, 1992.

''(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

''(b) PROHIBITION ON ASSISTANCE.—No funds appropriated or otherwise made available by law may be obligated or expended on behalf of the government of Serbia or the government of Montenegro.

''(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance from that institution to the government of Serbia or the government of Montenegro, except for basic human needs.

''(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against Serbia and Montenegro that are described in subsection (a) those United States-supported programs, projects, or activities that involve reform of the electoral process, the development of democratic institutions or democratic political parties, or humanitarian assistance (including refugee care and human rights observation).

''(e) WAIVER AUTHORITY.—(1) The President may waive or modify the application, in whole or in part, of any sanction described in subsection (a), the prohibition in subsection (b), or the requirement in subsection (c).

''(2) Such a waiver or modification may only be effective upon certification by the President to Congress that the President has determined that the waiver or modification is necessary (A) to meet emergency humanitarian needs, or (B) to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.''

PRESIDENTIAL CERTIFICATIONS TO SUSPEND SANCTIONS IMPOSED ON THE GOVERNMENT OF SERBIA AND THE GOVERNMENT OF MONTENEGRO

Provisions suspending sanctions imposed on the governments of Serbia and Montenegro pursuant to section 1511 of Pub. L. 103–160, set out above, were contained in the following:

Determination of President of the United States, No. 01–7, Dec. 19, 2000, 66 F.R. 1013.

Determination of President of the United States, No. 99–14, Feb. 16, 1999, 64 F.R. 9263.

Determination of President of the United States, No. 97–26, May 30, 1997, 62 F.R. 32015.

Determination of the President of the United States, No. 96–7, Dec. 27, 1995, 61 F.R. 2887.

IRAN-IRAQ ARMS NON-PROLIFERATION

Pub. L. 102–484, div. A, title XVI, Oct. 23, 1992, 106 Stat. 2571, as amended by Pub. L. 104–106, div. A, title XIV, § 1408(a)–(c), Feb. 10, 1996, 110 Stat. 494; Pub. L. 107–228, div. B, title XIII, § 1308(g)(1)(C), Sept. 30, 2002, 116 Stat. 1441, provided that:

''SEC. 1601. SHORT TITLE.

''This title may be cited as the 'Iran-Iraq Arms Non-Proliferation Act of 1992'.

''SEC. 1602. UNITED STATES POLICY.

''(a) IN GENERAL.—It shall be the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran or Iraq of any goods or technology, including dual-use goods or technology, wherever that transfer could materially contribute to either country's acquiring chemical, biological, nuclear, or destabilizing numbers and types of advanced conventional weapons.

''(b) SANCTIONS.—(1) In the furtherance of this policy, the President shall apply sanctions and controls with respect to Iran, Iraq, and those nations and persons who assist them in acquiring weapons of mass destruction in accordance with the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], the Nuclear Non-Proliferation Act of 1978 [22 U.S.C. 3201 et seq.], the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 [22 U.S.C. 5601 et seq.], chapter 7 of the Arms Export Control Act [22 U.S.C. 2797 et seq.], and other relevant statutes, regarding the non-proliferation of weapons of mass destruction and the means of their delivery.

''(2) The President should also urgently seek the agreement of other nations to adopt and institute, at the earliest practicable date, sanctions and controls comparable to those the United States is obligated to apply under this subsection.

''(c) PUBLIC IDENTIFICATION.—The Congress calls on the President to identify publicly (in the report required by section 1607) any country or person that transfers goods or technology to Iran or Iraq contrary to the policy set forth in subsection (a).

''SEC. 1603. APPLICATION TO IRAN OF CERTAIN IRAQ SANCTIONS.

''The sanctions against Iraq specified in paragraphs (1) through (4) of section 586G(a) of the Iraq Sanctions Act of 1990 (as contained in Public Law 101–513) [set out below], including denial of export licenses for United States persons and prohibitions on United States Government sales, shall be applied to the same extent and in the same manner with respect to Iran.

''SEC. 1604. SANCTIONS AGAINST CERTAIN PERSONS.

''(a) PROHIBITION.—If any person transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire chemical, biological, or nuclear weapons or to acquire destabilizing numbers and types of advanced conventional weapons, then the sanctions described in subsection (b) shall be imposed.

''(b) MANDATORY SANCTIONS.—The sanctions to be imposed pursuant to subsection (a) are as follows:

''(1) PROCUREMENT SANCTION.—For a period of two years, the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

''(2) EXPORT SANCTION.—For a period of two years, the United States Government shall not issue any license for any export by or to the sanctioned person.

''SEC. 1605. SANCTIONS AGAINST CERTAIN FOREIGN COUNTRIES.

''(a) PROHIBITION.—If the President determines that the government of any foreign country transfers or re-

transfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire chemical, biological, or nuclear weapons or to acquire destabilizing numbers and types of advanced conventional weapons, then—

''(1) the sanctions described in subsection (b) shall be imposed on such country; and

''(2) in addition, the President may apply, in the discretion of the President, the sanction described in subsection (c).

''(b) MANDATORY SANCTIONS.—Except as provided in paragraph (2), the sanctions to be imposed pursuant to subsection (a)(1) are as follows:

''(1) SUSPENSION OF UNITED STATES ASSISTANCE.—The United States Government shall suspend, for a period of one year, United States assistance to the sanctioned country.

''(2) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director to each appropriate international financial institution to oppose, and vote against, for a period of one year, the extension by such institution of any loan or financial or technical assistance to the sanctioned country.

''(3) SUSPENSION OF CODEVELOPMENT OR COPRODUCTION AGREEMENTS.—The United States shall suspend, for a period of one year, compliance with its obligations under any memorandum of understanding with the sanctioned country for the codevelopment or coproduction of any item on the United States Munitions List (established under section 38 of the Arms Export Control Act [22 U.S.C. 2778]), including any obligation for implementation of the memorandum of understanding through the sale to the sanctioned country of technical data or assistance or the licensing for export to the sanctioned country of any component part.

''(4) SUSPENSION OF MILITARY AND DUAL-USE TECHNICAL EXCHANGE AGREEMENTS.—The United States shall suspend, for a period of one year, compliance with its obligations under any technical exchange agreement involving military and dual-use technology between the United States and the sanctioned country that does not directly contribute to the security of the United States, and no military or dual-use technology may be exported from the United States to the sanctioned country pursuant to that agreement during that period.

''(5) UNITED STATES MUNITIONS LIST.—No item on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) may be exported to the sanctioned country for a period of one year.

''(c) DISCRETIONARY SANCTION.—The sanction referred to in subsection (a)(2) is as follows:

''(1) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Except as provided in paragraph (2), the President may exercise, in accordance with the provisions of that Act [50 U.S.C. 1701 et seq.], the authorities of the International Emergency Economic Powers Act with respect to the sanctioned country.

''(2) EXCEPTION.—Paragraph (1) does not apply with respect to urgent humanitarian assistance.

''SEC. 1606. WAIVER.

''The President may waive the requirement to impose a sanction described in section 1603, in the case of Iran, or a sanction described in section 1604(b) or 1605(b), in the case of Iraq and Iran, 15 days after the President determines and so reports to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives that it is essential to the national interest of the United States to exercise such waiver authority. Any such report shall provide a specific and detailed rationale for such determination.

''SEC. 1607. REPORTING REQUIREMENT.

''[(a) Repealed. Pub. L. 107–228, div. B, title XIII, §1308(g)(1)(C), Sept. 30, 2002, 116 Stat. 1441.]

''(b) REPORT ON INDIVIDUAL TRANSFERS.—Whenever the President determines that a person or foreign government has made a transfer which is subject to any sanction under this title, the President shall, within 30 days after such transfer, submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report—

''(1) identifying the person or government and providing the details of the transfer; and

''(2) describing the actions the President intends to undertake or has undertaken under the provisions of this title with respect to each such transfer.

''(c) FORM OF TRANSMITTAL.—Reports required by this section may be submitted in classified as well as in unclassified form.

''SEC. 1608. DEFINITIONS.

''For purposes of this title:

''(1) The term 'advanced conventional weapons' includes—

''(A) such long-range precision-guided munitions, fuel air explosives, cruise missiles, low observability aircraft, other radar evading aircraft, advanced military aircraft, military satellites, electromagnetic weapons, and laser weapons as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways;

''(B) such advanced command, control, and communications systems, electronic warfare systems, or intelligence collection systems as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways; and

''(C) such other items or systems as the President may, by regulation, determine necessary for purposes of this title.

''(2) The term 'cruise missile' means guided missiles that use aerodynamic lift to offset gravity and propulsion to counteract drag.

''(3) The term 'goods or technology' means—

''(A) any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment; and

''(B) any information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data.

''(4) The term 'person' means any United States or foreign individual, partnership, corporation, or other form of association, or any of their successor entities, parents, or subsidiaries.

''(5) The term 'sanctioned country' means a country against which sanctions are required to be imposed pursuant to section 1605.

''(6) The term 'sanctioned person' means a person that makes a transfer described in section 1604(a).

''(7) The term 'United States assistance' means—

''(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;

''(B) sales and assistance under the Arms Export Control Act [22 U.S.C. 2751 et seq.];

''(C) financing by the Commodity Credit Corporation for export sales of agricultural commodities; and

''(D) financing under the Export-Import Bank Act [of 1945] [22 U.S.C. 635 et seq.].''

[Memorandum of President of the United States, Sept. 27, 1994, 59 F.R. 50685, delegated to Secretary of State, in consultation with heads of other departments and agencies, all functions vested in President under title XVI of Pub. L. 102–484, set out above, without limitation of authority of other officials to exercise powers heretofore or hereafter delegated to them to implement sanctions imposed or actions directed by the Secretary pursuant to this delegation of authority.]

PAYMENT OF CLAIMS BY UNITED STATES NATIONALS AGAINST IRAQ

Pub. L. 101–519, § 131, Nov. 5, 1990, 104 Stat. 2249, which authorized President to vest title in a portion of property in which transactions were blocked pursuant to Executive Order 12722, listed in a table below, in order to satisfy obligations owed to United States Government and United States nationals for which Iraq had suspended repayment, was repealed by Pub. L. 102–27, title IV, § 402(a), Apr. 10, 1991, 105 Stat. 155, as amended by Pub. L. 102–136, § 126, Oct. 25, 1991, 105 Stat. 643, effective Nov. 5, 1990.

IRAQ SANCTIONS

Pub. L. 101–513, title V, §§ 586–586J, Nov. 5, 1990, 104 Stat. 2047–2054, provided that:

''SEC. 586. SHORT TITLE.

''Sections 586 through 586J of this Act may be cited as the 'Iraq Sanctions Act of 1990'.

''SEC. 586A. DECLARATIONS REGARDING IRAQ'S INVASION OF KUWAIT.

''The Congress—

''(1) condemns Iraq's invasion of Kuwait on August 2, 1990;

''(2) supports the actions that have been taken by the President in response to that invasion;

''(3) calls for the immediate and unconditional withdrawal of Iraqi forces from Kuwait;

''(4) supports the efforts of the United Nations Security Council to end this violation of international law and threat to international peace;

''(5) supports the imposition and enforcement of multilateral sanctions against Iraq;

''(6) calls on United States allies and other countries to support fully the efforts of the United Nations Security Council, and to take other appropriate actions, to bring about an end to Iraq's occupation of Kuwait; and

''(7) condemns the brutal occupation of Kuwait by Iraq and its gross violations of internationally recognized human rights in Kuwait, including widespread arrests, torture, summary executions, and mass extrajudicial killings.

''SEC. 586B. CONSULTATIONS WITH CONGRESS.

''The President shall keep the Congress fully informed, and shall consult with the Congress, with respect to current and anticipated events regarding the international crisis caused by Iraq's invasion of Kuwait, including with respect to United States actions.

''SEC. 586C. TRADE EMBARGO AGAINST IRAQ.

''(a) CONTINUATION OF EMBARGO.—Except as otherwise provided in this section, the President shall continue to impose the trade embargo and other economic sanctions with respect to Iraq and Kuwait that the United States is imposing, in response to Iraq's invasion of Kuwait, pursuant to Executive Orders Numbered 12724 and 12725 [listed in a table below] (August 9, 1990) and, to the extent they are still in effect, Executive Orders Numbered 12722 and 12723 [listed in a table below] (August 2, 1990). Notwithstanding any other provision of law, no funds, credits, guarantees, or insurance appropriated or otherwise made available by this or any other Act for fiscal year 1991 or any fiscal year thereafter shall be used to support or administer any financial or commercial operation of any United States Government department, agency, or other entity, or of any person subject to the jurisdiction of the United States, for the benefit of the Government of Iraq, its agencies or instrumentalities, or any person working on behalf of the Government of Iraq, contrary to the trade embargo and other economic sanctions imposed in accordance with this section.

''(b) HUMANITARIAN ASSISTANCE.—To the extent that transactions involving foodstuffs or payments for foodstuffs are exempted 'in humanitarian circumstances' from the prohibitions established by the United States pursuant to United Nations Security Council Resolution 661 (1990), those exemptions shall be limited to foodstuffs that are to be provided consistent with United Nations Security Council Resolution 666 (1990) and other relevant Security Council resolutions.

''(c) NOTICE TO CONGRESS OF EXCEPTIONS TO AND TERMINATION OF SANCTIONS.—

''(1) NOTICE OF REGULATIONS.—Any regulations issued after the date of enactment of this Act [Nov. 5, 1990] with respect to the economic sanctions imposed with respect to Iraq and Kuwait by the United States under Executive Orders Numbered 12722 and 12723 (August 2, 1990) and Executive Orders Numbered 12724 and 12725 (August 9, 1990) shall be submitted to the Congress before those regulations take effect.

''(2) NOTICE OF TERMINATION OF SANCTIONS.—The President shall notify the Congress at least 15 days before the termination, in whole or in part, of any sanction imposed with respect to Iraq or Kuwait pursuant to those Executive orders.

''(d) RELATION TO OTHER LAWS.—

''(1) SANCTIONS LEGISLATION.—The sanctions that are described in subsection (a) are in addition to, and not in lieu of the sanctions provided for in section 586G of this Act or any other provision of law.

''(2) NATIONAL EMERGENCIES AND UNITED NATIONS LEGISLATION.—Nothing in this section supersedes any provision of the National Emergencies Act [50 U.S.C. 1601 et seq.] or any authority of the President under the International Emergency Economic Powers Act [50 U.S.C. 1701 et seq.] or section 5(a) of the United Nations Participation Act of 1945 [22 U.S.C. 287c(a)].

''SEC. 586D. COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ.

''(a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act [see Tables for classification] to carry out the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] (including title IV of chapter 2 of part I [22 U.S.C. 2191 et seq.], relating to the Overseas Private Investment Corporation) or the Arms Export Control Act [22 U.S.C. 2751 et seq.] may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

''(1) such assistance is in the national interest of the United States;

''(2) such assistance will directly benefit the needy people in that country; or

''(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

''(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

''(1) the importation of products of Iraq into its customs territory, and

''(2) the export of its products to Iraq.

''SEC. 586E. PENALTIES FOR VIOLATIONS OF EMBARGO.

''Notwithstanding section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) and section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(b))—

''(1) a civil penalty of not to exceed $250,000 may be imposed on any person who, after the date of enactment of this Act [Nov. 5, 1990], violates or evades or attempts to violate or evade Executive Order Numbered 12722, 12723, 12724, or 12725 [listed in a table below] or any license, order, or regulation issued under any such Executive order; and

''(2) whoever, after the date of enactment of this Act, willfully violates or evades or attempts to vio-

late or evade Executive Order Numbered 12722, 12723, 12724, or 12725 or any license, order, or regulation issued under any such Executive order—

''(A) shall, upon conviction, be fined not more than $1,000,000, if a person other than a natural person; or

''(B) if a natural person, shall, upon conviction, be fined not more than $1,000,000, be imprisoned for not more than 12 years, or both.

Any officer, director, or agent of any corporation who knowingly participates in a violation, evasion, or attempt described in paragraph (2) may be punished by imposition of the fine or imprisonment (or both) specified in subparagraph (B) of that paragraph.

''SEC. 586F. DECLARATIONS REGARDING IRAQ'S LONG-STANDING VIOLATIONS OF INTERNATIONAL LAW.

''(a) IRAQ'S VIOLATIONS OF INTERNATIONAL LAW.—The Congress determines that—

''(1) the Government of Iraq has demonstrated repeated and blatant disregard for its obligations under international law by violating the Charter of the United Nations, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (done at Geneva, June 17, 1925), as well as other international treaties;

''(2) the Government of Iraq is a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights and is obligated under the Covenants, as well as the Universal Declaration of Human Rights, to respect internationally recognized human rights;

''(3) the State Department's Country Reports on Human Rights Practices for 1989 again characterizes Iraq's human rights record as 'abysmal';

''(4) Amnesty International, Middle East Watch, and other independent human rights organizations have documented extensive, systematic, and continuing human rights abuses by the Government of Iraq, including summary executions, mass political killings, disappearances, widespread use of torture, arbitrary arrests and prolonged detention without trial of thousands of political opponents, forced relocation and deportation, denial of nearly all civil and political rights such as freedom of association, assembly, speech, and the press, and the imprisonment, torture, and execution of children;

''(5) since 1987, the Government of Iraq has intensified its severe repression of the Kurdish minority of Iraq, deliberately destroyed more than 3,000 villages and towns in the Kurdish regions, and forcibly expelled more than 500,000 people, thus effectively depopulating the rural areas of Iraqi Kurdistan;

''(6) Iraq has blatantly violated international law by initiating use of chemical weapons in the Iran-Iraq war;

''(7) Iraq has also violated international law by using chemical weapons against its own Kurdish citizens, resulting in tens of thousands of deaths and more than 65,000 refugees;

''(8) Iraq continues to expand its chemical weapons capability, and President Saddam Hussein has threatened to use chemical weapons against other nations;

''(9) persuasive evidence exists that Iraq is developing biological weapons in violation of international law;

''(10) there are strong indications that Iraq has taken steps to produce nuclear weapons and has attempted to smuggle from the United States, in violation of United States law, components for triggering devices used in nuclear warheads whose manufacture would contravene the Treaty on the Non-Proliferation of Nuclear Weapons, to which Iraq is a party; and

''(11) Iraqi President Saddam Hussein has threatened to use terrorism against other nations in violation of international law and has increased Iraq's support for the Palestine Liberation Organization and other Palestinian groups that have conducted terrorist acts.

''(b) HUMAN RIGHTS VIOLATIONS.—The Congress determines that the Government of Iraq is engaged in a consistent pattern of gross violations of internationally recognized human rights. All provisions of law that impose sanctions against a country whose government is engaged in a consistent pattern of gross violations of internationally recognized human rights shall be fully enforced against Iraq.

''(c) SUPPORT FOR INTERNATIONAL TERRORISM.—(1) The Congress determines that Iraq is a country which has repeatedly provided support for acts of international terrorism, a country which grants sanctuary from prosecution to individuals or groups which have committed an act of international terrorism, and a country which otherwise supports international terrorism. The provisions of law specified in paragraph (2) and all other provisions of law that impose sanctions against a country which has repeatedly provided support for acts of international terrorism, which grants sanctuary from prosecution to an individual or group which has committed an act of international terrorism, or which otherwise supports international terrorism shall be fully enforced against Iraq.

''(2) The provisions of law referred to in paragraph (1) are—

''(A) section 40 of the Arms Export Control Act [22 U.S.C. 2780];

''(B) section 620A of the Foreign Assistance Act of 1961 [22 U.S.C. 2371];

''(C) sections 555 and 556 of this Act [104 Stat. 2021, 2022] (and the corresponding sections of predecessor foreign operations appropriations Acts); and

''(D) section 555 of the International Security and Development Cooperation Act of 1985 [99 Stat. 227].

''(d) MULTILATERAL COOPERATION.—The Congress calls on the President to seek multilateral cooperation—

''(1) to deny dangerous technologies to Iraq;

''(2) to induce Iraq to respect internationally recognized human rights; and

''(3) to induce Iraq to allow appropriate international humanitarian and human rights organizations to have access to Iraq and Kuwait, including the areas in northern Iraq traditionally inhabited by Kurds.

''SEC. 586G. SANCTIONS AGAINST IRAQ.

''(a) IMPOSITION.—Except as provided in section 586H, the following sanctions shall apply with respect to Iraq:

''(1) FMS SALES.—The United States Government shall not enter into any sale with Iraq under the Arms Export Control Act [22 U.S.C. 2751 et seq.].

''(2) COMMERCIAL ARMS SALES.—Licenses shall not be issued for the export to Iraq of any item on the United States Munitions List.

''(3) EXPORTS OF CERTAIN GOODS AND TECHNOLOGY.—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) shall be used to prohibit the export to Iraq of any goods or technology listed pursuant to that section or section 5(c)(1) of that Act (50 U.S.C. App. 2404(c)(1)) on the control list provided for in section 4(b) of that Act (50 U.S.C. App. 2403(b)).

''(4) NUCLEAR EQUIPMENT, MATERIALS, AND TECHNOLOGY.—

''(A) NRC LICENSES.—The Nuclear Regulatory Commission shall not issue any license or other authorization under the Atomic Energy Act of 1954 (42 U.S.C. 2011 and following) for the export to Iraq of any source or special nuclear material, any production or utilization facility, any sensitive nuclear technology, any component, item, or substance determined to have significance for nuclear explosive purposes pursuant to section 109b. of the Atomic Energy Act of 1954 (42 U.S.C. 2139(b)), or any other material or technology requiring such a license or authorization.

''(B) DISTRIBUTION OF NUCLEAR MATERIALS.—The authority of the Atomic Energy Act of 1954 shall

not be used to distribute any special nuclear material, source material, or byproduct material to Iraq.

''(C) DOE AUTHORIZATIONS.—The Secretary of Energy shall not provide a specific authorization under section 57b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)(2)) for any activity that would constitute directly or indirectly engaging in Iraq in activities that require a specific authorization under that section.

''(5) ASSISTANCE FROM INTERNATIONAL FINANCIAL INSTITUTIONS.—The United States shall oppose any loan or financial or technical assistance to Iraq by international financial institutions in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d).

''(6) ASSISTANCE THROUGH THE EXPORT-IMPORT BANK.—Credits and credit guarantees through the Export-Import Bank of the United States shall be denied to Iraq.

''(7) ASSISTANCE THROUGH THE COMMODITY CREDIT CORPORATION.—Credit, credit guarantees, and other assistance through the Commodity Credit Corporation shall be denied to Iraq.

''(8) FOREIGN ASSISTANCE.—All forms of assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following) other than emergency assistance for medical supplies and other forms of emergency humanitarian assistance, and under the Arms Export Control Act (22 U.S.C. 2751 and following) shall be denied to Iraq.

''(b) CONTRACT SANCTITY.—For purposes of the export controls imposed pursuant to subsection (a)(3), the date described in subsection (m)(1) of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) shall be deemed to be August 1, 1990.

''SEC. 586H. WAIVER AUTHORITY.

''(a) IN GENERAL.—The President may waive the requirements of any paragraph of section 586G(a) if the President makes a certification under subsection (b) or subsection (c).

''(b) CERTIFICATION OF FUNDAMENTAL CHANGES IN IRAQI POLICIES AND ACTIONS.—The authority of subsection (a) may be exercised 60 days after the President certifies to the Congress that—

''(1) the Government of Iraq—

''(A) has demonstrated, through a pattern of conduct, substantial improvement in its respect for internationally recognized human rights;

''(B) is not acquiring, developing, or manufacturing (i) ballistic missiles, (ii) chemical, biological, or nuclear weapons, or (iii) components for such weapons; has forsworn the first use of such weapons; and is taking substantial and verifiable steps to destroy or otherwise dispose of any such missiles and weapons it possesses; and

''(C) does not provide support for international terrorism;

''(2) the Government of Iraq is in substantial compliance with its obligations under international law, including—

''(A) the Charter of the United Nations;

''(B) the International Covenant on Civil and Political Rights (done at New York, December 16, 1966) and the International Covenant on Economic, Social, and Cultural Rights (done at New York, December 16, 1966);

''(C) the Convention on the Prevention and Punishment of the Crime of Genocide (done at Paris, December 9, 1948);

''(D) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (done at Geneva, June 17, 1925);

''(E) the Treaty on the Non-Proliferation of Nuclear Weapons (done at Washington, London, and Moscow, July 1, 1968); and

''(F) the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (done at Washington, London, and Moscow, April 10, 1972); and

''(3) the President has determined that it is essential to the national interests of the United States to exercise the authority of subsection (a).

''(c) CERTIFICATION OF FUNDAMENTAL CHANGES IN IRAQI LEADERSHIP AND POLICIES.—The authority of subsection (a) may be exercised 30 days after the President certifies to the Congress that—

''(1) there has been a fundamental change in the leadership of the Government of Iraq; and

''(2) the new Government of Iraq has provided reliable and credible assurance that—

''(A) it respects internationally recognized human rights and it will demonstrate such respect through its conduct;

''(B) it is not acquiring, developing, or manufacturing and it will not acquire, develop, or manufacture (i) ballistic missiles, (ii) chemical, biological, or nuclear weapons, or (iii) components for such weapons; has forsworn the first use of such weapons; and is taking substantial and verifiable steps to destroy or otherwise dispose of any such missiles and weapons it possesses;

''(C) it is not and will not provide support for international terrorism; and

''(D) it is and will continue to be in substantial compliance with its obligations under international law, including all the treaties specified in subparagraphs (A) through (F) of subsection (b)(2).

''(d) INFORMATION TO BE INCLUDED IN CERTIFICATIONS.—Any certification under subsection (b) or (c) shall include the justification for each determination required by that subsection. The certification shall also specify which paragraphs of section 586G(a) the President will waive pursuant to that certification.

''SEC. 586I. DENIAL OF LICENSES FOR CERTAIN EXPORTS TO COUNTRIES ASSISTING IRAQ'S ROCKET OR CHEMICAL, BIOLOGICAL, OR NUCLEAR WEAPONS CAPABILITY.

''(a) RESTRICTION ON EXPORT LICENSES.—None of the funds appropriated by this or any other Act may be used to approve the licensing for export of any supercomputer to any country whose government the President determines is assisting, or whose government officials the President determines are assisting, Iraq to improve its rocket technology or chemical, biological, or nuclear weapons capability.

''(b) NEGOTIATIONS.—The President is directed to begin immediate negotiations with those governments with which the United States has bilateral supercomputer agreements, including the Government of the United Kingdom and the Government of Japan, on conditions restricting the transfer to Iraq of supercomputer or associated technology.

''SEC. 586J. REPORTS TO CONGRESS.

''(a) STUDY AND REPORT ON THE INTERNATIONAL EXPORT TO IRAQ OF NUCLEAR, BIOLOGICAL, CHEMICAL, AND BALLISTIC MISSILE TECHNOLOGY.—(1) The President shall conduct a study on the sale, export, and third party transfer or development of nuclear, biological, chemical, and ballistic missile technology to or with Iraq including—

''(A) an identification of specific countries, as well as companies and individuals, both foreign and domestic, engaged in such sale or export of, nuclear, biological, chemical, and ballistic missile technology;

''(B) a detailed description and analysis of the international supply, information, support, and coproduction network, individual, corporate, and state, responsible for Iraq's current capability in the area of nuclear, biological, chemical, and ballistic missile technology; and

''(C) a recommendation of standards and procedures against which to measure and verify a decision of the Government of Iraq to terminate the development, production, coproduction, and deployment of nuclear, biological, chemical, and offensive ballistic missile technology as well as the destruction of all existing facilities associated with such technologies.

''(2) The President shall include in the study required by paragraph (1) specific recommendations on new mechanisms, to include, but not be limited to, legal, political, economic and regulatory, whereby the United States might contribute, in conjunction with its friends, allies, and the international community, to the management, control, or elimination of the threat of nuclear, biological, chemical, and ballistic missile proliferation.

''(3) Not later than March 30, 1991, the President shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives, a report, in both classified and unclassified form, setting forth the findings of the study required by paragraph (1) of this subsection.

''(b) STUDY AND REPORT ON IRAQ'S OFFENSIVE MILITARY CAPABILITY.—(1) The President shall conduct a study on Iraq's offensive military capability and its effect on the Middle East balance of power including an assessment of Iraq's power projection capability, the prospects for another sustained conflict with Iran, joint Iraqi-Jordanian military cooperation, the threat Iraq's arms transfer activities pose to United States allies in the Middle East, and the extension of Iraq's political-military influence into Africa and Latin America.

''(2) Not later than March 30, 1991, the President shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives, a report, in both classified and unclassified form, setting forth the findings of the study required by paragraph (1).

''(c) REPORT ON SANCTIONS TAKEN BY OTHER NATIONS AGAINST IRAQ.—(1) The President shall prepare a report on the steps taken by other nations, both before and after the August 2, 1990, invasion of Kuwait, to curtail the export of goods, services, and technologies to Iraq which might contribute to, or enhance, Iraq's nuclear, biological, chemical, and ballistic missile capability.

''(2) The President shall provide a complete accounting of international compliance with each of the sanctions resolutions adopted by the United Nations Security Council against Iraq since August 2, 1990, and shall list, by name, each country which to his knowledge, has provided any assistance to Iraq and the amount and type of that assistance in violation of each United Nations resolution.

''(3) The President shall make every effort to encourage other nations, in whatever forum or context, to adopt sanctions toward Iraq similar to those contained in this section.

''(4) Not later than every 6 months after the date of enactment of this Act [Nov. 5, 1990], the President shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives, a report in both classified and unclassified form, setting forth the findings of the study required by paragraph (1) of this subsection.''

[Provisions similar to section 586D of Pub. L. 101–513, set out above, relating to compliance with sanctions against Iraq were contained in the following appropriations acts:

[Pub. L. 108–7, div. E, title V, §531, Feb. 20, 2003, 117 Stat. 192.

[Pub. L. 107–115, title V, §531, Jan. 10, 2002, 115 Stat. 2150.

[Pub. L. 106–429, §101(a) [title V, §534], Nov. 6, 2000, 114 Stat. 1900, 1900A–34.

[Pub. L. 106–113, div. B, §1000(a)(2) [title V, §534], Nov. 29, 1999, 113 Stat. 1535, 1501A–93.

[Pub. L. 105–277, div. A, §101(d) [title V, §535], Oct. 21, 1998, 112 Stat. 2681–150, 2681–181.

[Pub. L. 105–118, title V, §534, Nov. 26, 1997, 111 Stat. 2416.

[Pub. L. 104–208, div. A, title I, §101(c) [title V, §533], Sept. 30, 1996, 110 Stat. 3009–121, 3009–152.

[Pub. L. 104–107, title V, §534, Feb. 12, 1996, 110 Stat. 734.

[Pub. L. 103–306, title V, §538, Aug. 23, 1994, 108 Stat. 1639.

[Pub. L. 103–87, title V, §539, Sept. 30, 1993, 107 Stat. 957.

[Pub. L. 102–391, title V, §573, Oct. 6, 1992, 106 Stat. 1683.]

Pub. L. 101–510, div. A, title XIV, §1458, Nov. 5, 1990, 104 Stat. 1697, provided that: ''If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not—

''(1) prohibited—

''(A) the importation of products of Iraq into its customs territory, and

''(B) the export of its products to Iraq; or

''(2) given assurances satisfactory to the President that such import and export sanctions will be promptly implemented.''

SUSPENDING THE IRAQ SANCTIONS ACT, MAKING INAPPLICABLE CERTAIN STATUTORY PROVISIONS RELATED TO IRAQ, AND DELEGATING AUTHORITIES, UNDER THE EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Determination of President of the United States, No. 2003–23, May 7, 2003, 68 F.R. 26459, provided:

Memorandum for the Secretary of State [and] the Secretary of Commerce

By virtue of the authority vested in me by the Constitution and the laws of the United States, including sections 1503 and 1504 of the Emergency Wartime Supplemental Act, 2003 [Emergency Wartime Supplemental Appropriations Act, 2003], Public Law 108–11 (the ''Act'') [117 Stat. 579], and section 301 of title 3, United States Code, I hereby:

(1) suspend the application of all of the provisions, other than section 586E, of the Iraq Sanctions Act of 1990, Public Law 101–513 [set out above], and

(2) make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961, Public Law 87–195, as amended [22 U.S.C. 2371] (the ''FAA''), and any other provision of law that applies to countries that have supported terrorism.

In addition, I delegate the functions and authorities conferred upon the President by:

(1) section 1503 of the Act to submit reports to the designated committees of the Congress to the Secretary of Commerce, or until such time as the principal licensing responsibility for the export to Iraq of items on the Commerce Control List has reverted to the Department of Commerce, to the Secretary of the Treasury; and,

(2) section 1504 of the Act to the Secretary of State.

The functions and authorities delegated herein may be further delegated and redelegated to the extent consistent with applicable law.

The Secretary of State is authorized and directed to publish this determination in the Federal Register.

GEORGE W. BUSH.

IRAN CLAIMS SETTLEMENT

Pub. L. 99–93, title V, Aug. 16, 1985, 99 Stat. 437, provided for the determination of the validity and amounts of claims by United States nationals against Iran which were settled en bloc by the United States.

EXECUTIVE DOCUMENTS

Provisions relating to the exercise of Presidential authorities to declare national emergencies for unusual and extraordinary threats with respect to the actions of certain persons and countries are contained in the following:

AFGHANISTAN (TALIBAN)

Ex. Ord. No. 13129, July 4, 1999, 64 F.R. 36759, revoked by Ex. Ord. No. 13268, July 2, 2002, 67 F.R. 44751.

Continuations of national emergency declared by Ex. Ord. No. 13129 were contained in the following:
Notice of President of the United States, dated June 30, 2001, 66 F.R. 35363.
Notice of President of the United States, dated June 30, 2000, 65 F.R. 41549.

Ex. Ord. No. 13268, July 2, 2002, 67 F.R. 44751.

ANGOLA (UNITA)

Ex. Ord. No. 12865, Sept. 26, 1993, 58 F.R. 51005, revoked by Ex. Ord. No. 13298, May 6, 2003, 68 F.R. 24857.

Continuations of national emergency declared by Ex. Ord. No. 12865 were contained in the following:
Notice of President of the United States, dated Sept. 23, 2002, 67 F.R. 60105.
Notice of President of the United States, dated Sept. 24, 2001, 66 F.R. 49084.
Notice of President of the United States, dated Sept. 22, 2000, 65 F.R. 57721.
Notice of President of the United States, dated Sept. 21, 1999, 64 F.R. 51419.
Notice of President of the United States, dated Sept. 23, 1998, 63 F.R. 51509.
Notice of President of the United States, dated Sept. 24, 1997, 62 F.R. 50477.
Notice of President of the United States, dated Sept. 16, 1996, 61 F.R. 49047.
Notice of President of the United States, dated Sept. 18, 1995, 60 F.R. 48621.
Notice of President of the United States, dated Aug. 17, 1994, 59 F.R. 42749.

Ex. Ord. No. 13069, Dec. 12, 1997, 62 F.R. 65989, revoked by Ex. Ord. No. 13298, May 6, 2003, 68 F.R. 24857.
Ex. Ord. No. 13098, Aug. 18, 1998, 63 F.R. 44771, revoked by Ex. Ord. No. 13298, May 6, 2003, 68 F.R. 24857.
Ex. Ord. No. 13298, May 6, 2003, 68 F.R. 24857.

BELARUS

Ex. Ord. No. 13405, June 16, 2006, 71 F.R. 35485.

Continuations of national emergency declared by Ex. Ord. No. 13405 were contained in the following:
Notice of President of the United States, dated June 12, 2009, 74 F.R. 28437.
Notice of President of the United States, dated June 6, 2008, 73 F.R. 32981.
Notice of President of the United States, dated June 14, 2007, 72 F.R. 33381.

BURMA

Ex. Ord. No. 13047, May 20, 1997, 62 F.R. 28301, sections 1 to 7 of which were revoked by Ex. Ord. No. 13310, § 12, July 28, 2003, 68 F.R. 44855, to the extent inconsistent with Ex. Ord. No. 13310.

Continuations of national emergency declared by Ex. Ord. No. 13047 were contained in the following:
Notice of President of the United States, dated May 14, 2009, 74 F.R. 23287.
Notice of President of the United States, dated May 16, 2008, 73 F.R. 29035.
Notice of President of the United States, dated May 17, 2007, 72 F.R. 28447.
Notice of President of the United States, dated May 18, 2006, 71 F.R. 29239.
Notice of President of the United States, dated May 17, 2005, 70 F.R. 28771.
Notice of President of the United States, dated May 17, 2004, 69 F.R. 29041.
Notice of President of the United States, dated May 16, 2003, 68 F.R. 27425.
Notice of President of the United States, dated May 16, 2002, 67 F.R. 35423.
Notice of President of the United States, dated May 15, 2001, 66 F.R. 27443.
Notice of President of the United States, dated May 18, 2000, 65 F.R. 32005.
Notice of President of the United States, dated May 18, 1999, 64 F.R. 27443.
Notice of President of the United States, dated May 18, 1998, 63 F.R. 27661.

Ex. Ord. No. 13310, July 28, 2003, 68 F.R. 44853.
Ex. Ord. No. 13448, Oct. 18, 2007, 72 F.R. 60223.
Ex. Ord. No. 13464, Apr. 30, 2008, 73 F.R. 24491.

COLOMBIA

Ex. Ord. No. 12978, Oct. 21, 1995, 60 F.R. 54579, as amended by Ex. Ord. No. 13286, § 22, Feb. 28, 2003, 68 F.R. 10624.

Continuations of national emergency declared by Ex. Ord. No. 12978 were contained in the following:
Notice of President of the United States, dated Oct. 16, 2009, 74 F.R. 53879.
Notice of President of the United States, dated Oct. 16, 2008, 73 F.R. 62433.
Notice of President of the United States, dated Oct. 18, 2007, 72 F.R. 59473.
Notice of President of the United States, dated Oct. 19, 2006, 71 F.R. 62053.
Notice of President of the United States, dated Oct. 19, 2005, 70 F.R. 61209.
Notice of President of the United States, dated Oct. 19, 2004, 69 F.R. 61733.
Notice of President of the United States, dated Oct. 16, 2003, 68 F.R. 60023.
Notice of President of the United States, dated Oct. 16, 2002, 67 F.R. 64307.
Notice of President of the United States, dated Oct. 16, 2001, 66 F.R. 53073.
Notice of President of the United States, dated Oct. 19, 2000, 65 F.R. 63193.
Notice of President of the United States, dated Oct. 19, 1999, 64 F.R. 56667.
Notice of President of the United States, dated Oct. 19, 1998, 63 F.R. 56079.
Notice of President of the United States, dated Oct. 17, 1997, 62 F.R. 54561.
Notice of President of the United States, dated Oct. 16, 1996, 61 F.R. 54531.

CÔTE D'IVOIRE

Ex. Ord. No. 13396, Feb. 7, 2006, 71 F.R. 7389.

Continuations of national emergency declared by Ex. Ord. No. 13396 were contained in the following:
Notice of President of the United States, dated Feb. 4, 2009, 74 F.R. 6349.
Notice of President of the United States, dated Feb. 5, 2008, 73 F.R. 7185.
Notice of President of the United States, dated Feb. 5, 2007, 72 F.R. 5593.

COUNTRIES AND PERSONS COMMITTING OR SUPPORTING TERRORISM

Ex. Ord. No. 12947, Jan. 23, 1995, 60 F.R. 5079, as amended by Ex. Ord. No. 13099, §§ 1, 2, Aug. 20, 1998, 63 F.R. 45167; Ex. Ord. No. 13372, § 2, Feb. 16, 2005, 70 F.R. 8499.

Continuations of national emergency declared by Ex. Ord. No. 12947 were contained in the following:
Notice of President of the United States, dated Jan. 15, 2009, 74 F.R. 3961.
Notice of President of the United States, dated Jan. 18, 2008, 73 F.R. 3859.
Notice of President of the United States, dated Jan. 18, 2007, 72 F.R. 2595.
Notice of President of the United States, dated Jan. 18, 2006, 71 F.R. 3407.
Notice of President of the United States, dated Jan. 17, 2005, 70 F.R. 3277.
Notice of President of the United States, dated Jan. 16, 2004, 69 F.R. 2991.
Notice of President of the United States, dated Jan. 20, 2003, 68 F.R. 3161.

Notice of President of the United States, dated Jan. 18, 2002, 67 F.R. 3033.
Notice of President of the United States, dated Jan. 19, 2001, 66 F.R. 7371.
Notice of President of the United States, dated Jan. 19, 2000, 65 F.R. 3581.
Notice of President of the United States, dated Jan. 20, 1999, 64 F.R. 3393.
Notice of President of the United States, dated Jan. 21, 1998, 63 F.R. 3445.
Notice of President of the United States, dated Jan. 21, 1997, 62 F.R. 3439.
Notice of President of the United States, dated Jan. 18, 1996, 61 F.R. 1695.

Ex. Ord. No. 13224, Sept. 23, 2001, 66 F.R. 49079, as amended by Ex. Ord. No. 13268, §1, July 2, 2002, 67 F.R. 44751; Ex. Ord. No. 13284, §4, Jan. 23, 2003, 68 F.R. 4075; Ex. Ord. No. 13372, §1, Feb. 16, 2005, 70 F.R. 8499.

Continuations of national emergency declared by Ex. Ord. No. 13224 were contained in the following:
Notice of President of the United States, dated Sept. 21, 2009, 74 F.R. 48359.
Notice of President of the United States, dated Sept. 18, 2008, 73 F.R. 54489.
Notice of President of the United States, dated Sept. 20, 2007, 72 F.R. 54205.
Notice of President of the United States, dated Sept. 21, 2006, 71 F.R. 55725.
Notice of President of the United States, dated Sept. 21, 2005, 70 F.R. 55703.
Notice of President of the United States, dated Sept. 21, 2004, 69 F.R. 56923.
Notice of President of the United States, dated Sept. 18, 2003, 68 F.R. 55189.
Notice of President of the United States, dated Sept. 19, 2002, 67 F.R. 59447.

Ex. Ord. No. 13372, Feb. 16, 2005, 70 F.R. 8499.

COUNTRIES AND PERSONS PROLIFERATING WEAPONS OF MASS DESTRUCTION

Ex. Ord. No. 12735, Nov. 16, 1990, 55 F.R. 48587, revoked by Ex. Ord. No. 12938, §10, Nov. 14, 1994, 59 F.R. 59099.

Continuations of national emergency declared by Ex. Ord. No. 12735 were contained in the following:
Notice of President of the United States, dated Nov. 12, 1993, 58 F.R. 60361.
Notice of President of the United States, dated Nov. 11, 1992, 57 F.R. 53979.
Notice of President of the United States, dated Nov. 14, 1991, 56 F.R. 58171.

Ex. Ord. No. 12868, Sept. 30, 1993, 58 F.R. 51749, revoked, with savings provision, by Ex. Ord. No. 12930, §3, Sept. 29, 1994, 59 F.R. 50475.
Ex. Ord. No. 12930, Sept. 29, 1994, 59 F.R. 50475, revoked by Ex. Ord. No. 12938, §10, Nov. 14, 1994, 59 F.R. 59099.
Ex. Ord. No. 12938, Nov. 14, 1994, 59 F.R. 59099, as amended by Ex. Ord. No. 13094, §1, July 28, 1998, 63 F.R. 40803; Ex. Ord. No. 13128, June 25, 1999, 64 F.R. 34704; Ex. Ord. No. 13382, §4, June 28, 2005, 70 F.R. 38568.

Continuations of national emergency declared by Ex. Ord. No. 12938 were contained in the following:
Notice of President of the United States, dated Nov. 6, 2009, 74 F.R. 58187.
Notice of President of the United States, dated Nov. 10, 2008, 73 F.R. 67097.
Notice of President of the United States, dated Nov. 8, 2007, 72 F.R. 63963.
Notice of President of the United States, dated Oct. 27, 2006, 71 F.R. 64109.
Notice of President of the United States, dated Oct. 25, 2005, 70 F.R. 62027.
Notice of President of the United States, dated Nov. 4, 2004, 69 F.R. 64637.
Notice of President of the United States, dated Oct. 29, 2003, 68 F.R. 62209.
Notice of President of the United States, dated Nov. 6, 2002, 67 F.R. 68493.
Notice of President of the United States, dated Nov. 9, 2001, 66 F.R. 56965.
Notice of President of the United States, dated Nov. 9, 2000, 65 F.R. 68063.
Notice of President of the United States, dated Nov. 10, 1999, 64 F.R. 61767.
Notice of President of the United States, dated Nov. 12, 1998, 63 F.R. 63589.
Notice of President of the United States, dated Nov. 12, 1997, 62 F.R. 60993.
Notice of President of the United States, dated Nov. 12, 1996, 61 F.R. 58309.
Notice of President of the United States, dated Nov. 8, 1995, 60 F.R. 57137.

Ex. Ord. No. 13382, June 28, 2005, 70 F.R. 38567.

COUNTRIES AND PERSONS THREATENING UNITED STATES EXPORT REGULATION UPON EXPIRATION OF THE EXPORT ADMINISTRATION ACT OF 1979

Ex. Ord. No. 12444, Oct. 14, 1983, 48 F.R. 48215, revoked by Ex. Ord. No. 12451, Dec. 20, 1983, 48 F.R. 56563.
Ex. Ord. No. 12451, Dec. 20, 1983, 48 F.R. 56563.
Ex. Ord. No. 12470, Mar. 30, 1984, 49 F.R. 13099, revoked by Ex. Ord. No. 12525, July 12, 1985, 50 F.R. 28757.

Continuation of emergency declared by Ex. Ord. No. 12470 was contained in the following:
Notice of President of the United States, dated Mar. 28, 1985, 50 F.R. 12513.

Ex. Ord. No. 12525, July 12, 1985, 50 F.R. 28757.
Ex. Ord. No. 12730, Sept. 30, 1990, 55 F.R. 40373, revoked by Ex. Ord. No. 12867, §1, Sept. 30, 1993, 58 F.R. 51747.

Continuations of national emergency declared by Ex. Ord. No. 12730 were contained in the following:
Notice of President of the United States, dated Sept. 25, 1992, 57 F.R. 44649.
Notice of President of the United States, dated Sept. 26, 1991, 56 F.R. 49385.

Ex. Ord. No. 12867, Sept. 30, 1993, 58 F.R. 51747.
Ex. Ord. No. 12923, June 30, 1994, 59 F.R. 34551, revoked by Ex. Ord. No. 12924, §4, Aug. 19, 1994, 59 F.R. 43438.
Ex. Ord. No. 12924, Aug. 19, 1994, 59 F.R. 43437, revoked by Ex. Ord. No. 13206, §1, Apr. 4, 2001, 66 F.R. 18397.

Continuations of national emergency declared by Ex. Ord. No. 12924 were contained in the following:
Notice of President of the United States, dated Aug. 3, 2000, 65 F.R. 48347.
Notice of President of the United States, dated Aug. 10, 1999, 64 F.R. 44101.
Notice of President of the United States, dated Aug. 13, 1998, 63 F.R. 44121.
Notice of President of the United States, dated Aug. 13, 1997, 62 F.R. 43629.
Notice of President of the United States, dated Aug. 14, 1996, 61 F.R. 42527.
Notice of President of the United States, dated Aug. 15, 1995, 60 F.R. 42767.

Ex. Ord. No. 13206, Apr. 4, 2001, 66 F.R. 18397.
Ex. Ord. No. 13222, Aug. 17, 2001, 66 F.R. 44025.

Continuations of national emergency declared by Ex. Ord. No. 13222 were contained in the following:
Notice of President of the United States, dated Aug. 13, 2009, 74 F.R. 41325.
Notice of President of the United States, dated July 23, 2008, 73 F.R. 43603.
Notice of President of the United States, dated Aug. 15, 2007, 72 F.R. 46137.
Notice of President of the United States, dated Aug. 3, 2006, 71 F.R. 44551.
Notice of President of the United States, dated Aug. 2, 2005, 70 F.R. 45273.
Notice of President of the United States, dated Aug. 6, 2004, 69 F.R. 48763.
Notice of President of the United States, dated Aug. 7, 2003, 68 F.R. 47833.
Notice of President of the United States, dated Aug. 14, 2002, 67 F.R. 53721.

DEMOCRATIC REPUBLIC OF THE CONGO

Ex. Ord. No. 13413, Oct. 27, 2006, 71 F.R. 64105.

Continuations of national emergency declared by Ex. Ord. No. 13413 were contained in the following:

Notice of President of the United States, dated Oct. 20, 2009, 74 F.R. 54741.

Notice of President of the United States, dated Oct. 22, 2008, 73 F.R. 63619.

Notice of President of the United States, dated Oct. 24, 2007, 72 F.R. 61045.

HAITI

Ex. Ord. No. 12775, Oct. 4, 1991, 56 F.R. 50641, revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403.

Continuations of national emergency declared by Ex. Ord. No. 12775 were contained in the following:

Notice of President of the United States, dated Sept. 30, 1994, 59 F.R. 50479.

Notice of President of the United States, dated Sept. 30, 1993, 58 F.R. 51563.

Notice of President of the United States, dated Sept. 30, 1992, 57 F.R. 45557.

Ex. Ord. No. 12779, Oct. 28, 1991, 56 F.R. 55975, revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403.

Ex. Ord. No. 12853, June 30, 1993, 58 F.R. 35843, revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403.

Ex. Ord. No. 12872, Oct. 18, 1993, 58 F.R. 54029, revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403.

Ex. Ord. No. 12914, May 7, 1994, 59 F.R. 24339, revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403.

Ex. Ord. No. 12917, May 21, 1994, 59 F.R. 26925, revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403.

Ex. Ord. No. 12920, June 10, 1994, 59 F.R. 30501, revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403.

Ex. Ord. No. 12922, June 21, 1994, 59 F.R. 32645, revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403.

Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403.

IRAN

Ex. Ord. No. 12170, Nov. 14, 1979, 44 F.R. 65729.

Continuations of national emergency declared by Ex. Ord. No. 12170 were contained in the following:

Notice of President of the United States, dated Nov. 12, 2009, 74 F.R. 58841.

Notice of President of the United States, dated Nov. 10, 2008, 73 F.R. 67357.

Notice of President of the United States, dated Nov. 8, 2007, 72 F.R. 63965.

Notice of President of the United States, dated Nov. 9, 2006, 71 F.R. 66227.

Notice of President of the United States, dated Nov. 9, 2005, 70 F.R. 69039.

Notice of President of the United States, dated Nov. 9, 2004, 69 F.R. 65513.

Notice of President of the United States, dated Nov. 12, 2003, 68 F.R. 64489.

Notice of President of the United States, dated Nov. 12, 2002, 67 F.R. 68929.

Notice of President of the United States, dated Nov. 9, 2001, 66 F.R. 56966.

Notice of President of the United States, dated Nov. 9, 2000, 65 F.R. 68061.

Notice of President of the United States, dated Nov. 5, 1999, 64 F.R. 61471.

Notice of President of the United States, dated Nov. 9, 1998, 63 F.R. 63125.

Notice of President of the United States, dated Sept. 30, 1997, 62 F.R. 51591.

Notice of President of the United States, dated Oct. 29, 1996, 61 F.R. 56107.

Notice of President of the United States, dated Oct. 31, 1995, 60 F.R. 55651.

Notice of President of the United States, dated Oct. 31, 1994, 59 F.R. 54785.

Notice of President of the United States, dated Nov. 1, 1993, 58 F.R. 58639.

Notice of President of the United States, dated Oct. 25, 1992, 57 F.R. 48719.

Notice of President of the United States, dated Nov. 12, 1991, 56 F.R. 57791.

Notice of President of the United States, dated Nov. 9, 1990, 55 F.R. 47453.

Notice of President of the United States, dated Oct. 30, 1989, 54 F.R. 46043.

Notice of President of the United States, dated Nov. 8, 1988, 53 F.R. 45750.

Notice of President of the United States, dated Nov. 10, 1987, 52 F.R. 43549.

Notice of President of the United States, dated Nov. 10, 1986, 51 F.R. 41067.

Notice of President of the United States, dated Nov. 1, 1985, 50 F.R. 45901.

Notice of President of the United States, dated Nov. 7, 1984, 49 F.R. 44741.

Notice of President of the United States, dated Nov. 8, 1982, 47 F.R. 50841.

Ex. Ord. No. 12205, Apr. 7, 1980, 45 F.R. 24099, as amended by Ex. Ord. No. 12211, Apr. 17, 1980, 45 F.R. 26685, of which provisions related to prohibitions contained therein were revoked by Ex. Ord. No. 12282, Jan. 19, 1981, 46 F.R. 7925.

Ex. Ord. No. 12211, Apr. 17, 1980, 45 F.R. 26685, of which provisions related to prohibitions contained therein were revoked by Ex. Ord. No. 12282, Jan. 19, 1981, 46 F.R. 7925.

Ex. Ord. No. 12276, Jan. 19, 1981, 46 F.R. 7913.

Ex. Ord. No. 12277, Jan. 19, 1981, 46 F.R. 7915.

Ex. Ord. No. 12278, Jan. 19, 1981, 46 F.R. 7917.

Ex. Ord. No. 12279, Jan. 19, 1981, 46 F.R. 7919.

Ex. Ord. No. 12280, Jan. 19, 1981, 46 F.R. 7921.

Ex. Ord. No. 12281, Jan. 19, 1981, 46 F.R. 7923.

Ex. Ord. No. 12282, Jan. 19, 1981, 46 F.R. 7925.

Ex. Ord. No. 12283, Jan. 19, 1981, 46 F.R. 7927.

Ex. Ord. No. 12284, Jan. 19, 1981, 46 F.R. 7929.

Ex. Ord. No. 12285, Jan. 19, 1981, 46 F.R. 7931, as amended by Ex. Ord. No. 12307, June 4, 1981, 46 F.R. 30483; Ex. Ord. No. 12317, Aug. 14, 1981, 46 F.R. 42241, revoked by Ex. Ord. No. 12379, § 21, Aug. 17, 1982, 47 F.R. 36100, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

Ex. Ord. No. 12294, Feb. 24, 1981, 46 F.R. 14111.

Ex. Ord. No. 12613, Oct. 29, 1987, 52 F.R. 41940, revoked by Ex. Ord. No. 13059, § 7, Aug. 19, 1997, 62 F.R. 44533.

Ex. Ord. No. 12957, Mar. 15, 1995, 60 F.R. 14615, sections 1 and 2 of which were revoked by Ex. Ord. No. 12959, § 5, May 6, 1995, 60 F.R. 24758, to the extent inconsistent with Ex. Ord. No. 12959.

Continuations of national emergency declared by Ex. Ord. No. 12957 were contained in the following:

Notice of President of the United States, dated Mar. 11, 2009, 74 F.R. 10999.

Notice of President of the United States, dated Mar. 11, 2008, 73 F.R. 13727.

Notice of President of the United States, dated Mar. 8, 2007, 72 F.R. 10883.

Notice of President of the United States, dated Mar. 13, 2006, 71 F.R. 13241.

Notice of President of the United States, dated Mar. 10, 2005, 70 F.R. 12581.

Notice of President of the United States, dated Mar. 10, 2004, 69 F.R. 12051.

Notice of President of the United States, dated Mar. 12, 2003, 68 F.R. 12563.

Notice of President of the United States, dated Mar. 13, 2002, 67 F.R. 11553.

Notice of President of the United States, dated Mar. 13, 2001, 66 F.R. 15013.

Notice of President of the United States, dated Mar. 13, 2000, 65 F.R. 13863.

Notice of President of the United States, dated Mar. 10, 1999, 64 F.R. 12239.

Notice of President of the United States, dated Mar. 4, 1998, 63 F.R. 11099.

Notice of President of the United States, dated Mar. 5, 1997, 62 F.R. 10409.

Notice of President of the United States, dated Mar. 8, 1996, 61 F.R. 9897.

Ex. Ord. No. 12959, May 6, 1995, 60 F.R. 24757, as amended by Ex. Ord. No. 13059, §7, Aug. 19, 1997, 62 F.R. 44533.

Ex. Ord. No. 13059, Aug. 19, 1997, 62 F.R. 44531.

IRAQ

Ex. Ord. No. 12722, Aug. 2, 1990, 55 F.R. 31803, revoked by Ex. Ord. No. 12724, §6, Aug. 9, 1990, 55 F.R. 33090, to the extent inconsistent with Ex. Ord. No. 12724, and by Ex. Ord. No. 13350, July 29, 2004, 69 F.R. 46055.

Continuations of national emergency declared by Ex. Ord. No. 12722 were contained in the following:

Notice of President of the United States, dated July 31, 2003, 68 F.R. 45739.

Notice of President of the United States, dated July 30, 2002, 67 F.R. 50341.

Notice of President of the United States, dated July 31, 2001, 66 F.R. 40105.

Notice of President of the United States, dated July 28, 2000, 65 F.R. 47241.

Notice of President of the United States, dated July 20, 1999, 64 F.R. 39897.

Notice of President of the United States, dated July 28, 1998, 63 F.R. 41175.

Notice of President of the United States, dated July 31, 1997, 62 F.R. 41803.

Notice of President of the United States, dated July 22, 1996, 61 F.R. 38561.

Notice of President of the United States, dated July 28, 1995, 60 F.R. 39099.

Notice of President of the United States, dated July 19, 1994, 59 F.R. 37151.

Notice of President of the United States, dated July 20, 1993, 58 F.R. 39111.

Notice of President of the United States, dated July 21, 1992, 57 F.R. 32875.

Notice of President of the United States, dated July 26, 1991, 56 F.R. 35995.

Ex. Ord. No. 12724, Aug. 9, 1990, 55 F.R. 33089, revoked by Ex. Ord. No. 13350, July 29, 2004, 69 F.R. 46055.

Ex. Ord. No. 12817, Oct. 21, 1992, 57 F.R. 48433, revoked by Ex. Ord. No. 13350, July 29, 2004, 69 F.R. 46055.

Ex. Ord. No. 13303, May 22, 2003, 68 F.R. 31931, as amended by Ex. Ord. No. 13364, §1, Nov. 29, 2004, 69 F.R. 70177.

Continuations of national emergency declared by Ex. Ord. No. 13303 were contained in the following:

Notice of President of the United States, dated May 19, 2009, 74 F.R. 23935.

Notice of President of the United States, dated May 20, 2008, 73 F.R. 29683.

Notice of President of the United States, dated May 18, 2007, 72 F.R. 28581.

Notice of President of the United States, dated May 18, 2006, 71 F.R. 29237.

Notice of President of the United States, dated May 19, 2005, 70 F.R. 29435.

Notice of President of the United States, dated May 20, 2004, 69 F.R. 29409.

Ex. Ord. No. 13315, Aug. 28, 2003, 68 F.R. 52315, as amended by Ex. Ord. No. 13350, July 29, 2004, 69 F.R. 46055.

Ex. Ord. No. 13350, July 29, 2004, 69 F.R. 46055.

Ex. Ord. No. 13364, Nov. 29, 2004, 69 F.R. 70177.

Ex. Ord. No. 13438, July 17, 2007, 72 F.R. 39719.

KUWAIT

Ex. Ord. No. 12723, Aug. 2, 1990, 55 F.R. 31805, revoked by Ex. Ord. No. 12771, July 25, 1991, 56 F.R. 35993.

Ex. Ord. No. 12725, Aug. 9, 1990, 55 F.R. 33091, revoked by Ex. Ord. No. 12771, July 25, 1991, 56 F.R. 35993.

Ex. Ord. No. 12771, July 25, 1991, 56 F.R. 35993.

LEBANON

Ex. Ord. No. 13441, Aug. 1, 2007, 72 F.R. 43499.

Continuations of national emergency declared by Ex. Ord. No. 13441 were contained in the following:

Notice of President of the United States, dated July 30, 2009, 74 F.R. 38321.

Notice of President of the United States, dated July 30, 2008, 73 F.R. 44895.

LIBERIA

Ex. Ord. No. 13213, May 22, 2001, 66 F.R. 28829, as amended by Ex. Ord. No. 13312, §3(d), July 29, 2003, 68 F.R. 45152, revoked by Ex. Ord. No. 13324, Jan. 15, 2004, 69 F.R. 2823.

Ex. Ord. No. 13324, Jan. 15, 2004, 69 F.R. 2823.

Ex. Ord. No. 13348, July 22, 2004, 69 F.R. 44885.

Continuations of national emergency declared by Ex. Ord. No. 13348 were contained in the following:

Notice of President of the United States, dated July 16, 2009, 74 F.R. 35763.

Notice of President of the United States, dated July 16, 2008, 73 F.R. 42255.

Notice of President of the United States, dated July 19, 2007, 72 F.R. 40059.

Notice of President of the United States, dated July 18, 2006, 71 F.R. 41093.

Notice of President of the United States, dated July 19, 2005, 70 F.R. 41935.

LIBYA

Ex. Ord. No. 12543, Jan. 7, 1986, 51 F.R. 875, revoked by Ex. Ord. No. 13357, Sept. 20, 2004, 69 F.R. 56665.

Continuations of national emergency declared by Ex. Ord. No. 12543 were contained in the following:

Notice of President of the United States, dated Jan. 5, 2004, 69 F.R. 847.

Notice of President of the United States, dated Jan. 2, 2003, 68 F.R. 661.

Notice of President of the United States, dated Jan. 3, 2002, 67 F.R. 637.

Notice of President of the United States, dated Jan. 4, 2001, 66 F.R. 1251.

Notice of President of the United States, dated Dec. 29, 1999, 65 F.R. 1999.

Notice of President of the United States, dated Dec. 30, 1998, 64 F.R. 383.

Notice of President of the United States, dated Jan. 2, 1998, 63 F.R. 653.

Notice of President of the United States, dated Jan. 2, 1997, 62 F.R. 587.

Notice of President of the United States, dated Jan. 3, 1996, 61 F.R. 383.

Notice of President of the United States, dated Dec. 22, 1994, 59 F.R. 67119.

Notice of President of the United States, dated Dec. 2, 1993, 58 F.R. 64361.

Notice of President of the United States, dated Dec. 14, 1992, 57 F.R. 59895.

Notice of President of the United States, dated Dec. 26, 1991, 56 F.R. 67465.

Notice of President of the United States, dated Jan. 2, 1991, 56 F.R. 477.

Notice of President of the United States, dated Jan. 4, 1990, 55 F.R. 589.

Notice of President of the United States, dated Dec. 28, 1988, 53 F.R. 52971.

Notice of President of the United States, dated Dec. 15, 1987, 52 F.R. 47891.

Notice of President of the United States, dated Dec. 23, 1986, 51 F.R. 46849.

Ex. Ord. No. 12544, Jan. 8, 1986, 51 F.R. 1235, revoked by Ex. Ord. No. 13357, Sept. 20, 2004, 69 F.R. 56665.

Ex. Ord. No. 12801, Apr. 15, 1992, 57 F.R. 14319, revoked by Ex. Ord. No. 13357, Sept. 20, 2004, 69 F.R. 56665.

Ex. Ord. No. 13357, Sept. 20, 2004, 69 F.R. 56665.

NICARAGUA

Ex. Ord. No. 12513, May 1, 1985, 50 F.R. 18629, revoked by Ex. Ord. No. 12707, Mar. 13, 1990, 55 F.R. 9707.

Continuations of national emergency declared by Ex. Ord. No. 12513 were contained in the following:

Notice of President of the United States, dated Apr. 21, 1989, 54 F.R. 17701.
Notice of President of the United States, dated Apr. 25, 1988, 53 F.R. 15011.
Notice of President of the United States, dated Apr. 21, 1987, 52 F.R. 13425.
Notice of President of the United States, dated Apr. 22, 1986, 51 F.R. 15461.

Ex. Ord. No. 12707, Mar. 13, 1990, 55 F.R. 9707.

NORTH KOREA

Ex. Ord. No. 13466, June 26, 2008, 73 F.R. 36787.

Continuations of national emergency declared by Ex. Ord. No. 13466 were contained in the following:
Notice of President of the United States, dated June 24, 2009, 74 F.R. 30457.

PANAMA

Ex. Ord. No. 12635, Apr. 8, 1988, 53 F.R. 12134, revoked by Ex. Ord. No. 12710, Apr. 5, 1990, 55 F.R. 13099.

Continuation of national emergency declared by Ex. Ord. No. 12635 was contained in the following:
Notice of President of the United States, dated Apr. 6, 1989, 54 F.R. 14197.

Ex. Ord. No. 12710, Apr. 5, 1990, 55 F.R. 13099.

RUSSIA

Ex. Ord. No. 13159, June 21, 2000, 65 F.R. 39279.

Continuations of national emergency declared by Ex. Ord. No. 13159 were contained in the following:
Notice of President of the United States, dated June 18, 2009, 74 F.R. 29391.
Notice of President of the United States, dated June 18, 2008, 73 F.R. 35335.
Notice of President of the United States, dated June 19, 2007, 72 F.R. 34159.
Notice of President of the United States, dated June 19, 2006, 71 F.R. 35489.
Notice of President of the United States, dated June 17, 2005, 70 F.R. 35507.
Notice of President of the United States, dated June 16, 2004, 69 F.R. 34047.
Notice of President of the United States, dated June 10, 2003, 68 F.R. 35149.
Notice of President of the United States, dated June 18, 2002, 67 F.R. 42181.
Notice of President of the United States, dated June 11, 2001, 66 F.R. 32207.

SIERRA LEONE

Ex. Ord. No. 13194, Jan. 18, 2001, 66 F.R. 7389, as amended by Ex. Ord. No. 13312, § 3(a)–(c), July 29, 2003, 68 F.R. 45152, revoked by Ex. Ord. No. 13324, Jan. 15, 2004, 69 F.R. 2823.

Continuations of national emergency declared by Ex. Ord. No. 13194 were contained in the following:
Notice of President of the United States, dated Jan. 16, 2003, 68 F.R. 2677.
Notice of President of the United States, dated Jan. 15, 2002, 67 F.R. 2547.

Ex. Ord. No. 13213, May 22, 2001, 66 F.R. 28829, as amended by Ex. Ord. No. 13312, § 3(d), July 29, 2003, 68 F.R. 45152, revoked by Ex. Ord. No. 13324, Jan. 15, 2004, 69 F.R. 2823.
Ex. Ord. No. 13324, Jan. 15, 2004, 69 F.R. 2823.

SOUTH AFRICA

Ex. Ord. No. 12532, Sept. 9, 1985, 50 F.R. 36861, revoked by Ex. Ord. No. 12769, § 4, July 10, 1991, 56 F.R. 31855.

Continuation of national emergency declared by Ex. Ord. No. 12532 was contained in the following:
Notice of President of the United States, dated Sept. 4, 1986, 51 F.R. 31925.

Ex. Ord. No. 12535, Oct. 1, 1985, 50 F.R. 40325, revoked by Ex. Ord. No. 12769, § 4, July 10, 1991, 56 F.R. 31855.

SUDAN

Ex. Ord. No. 13067, Nov. 3, 1997, 62 F.R. 59989.

Continuations of national emergency declared by Ex. Ord. No. 13067 were contained in the following:
Notice of President of the United States, dated Oct. 27, 2009, 74 F.R. 55745.
Notice of President of the United States, dated Oct. 30, 2008, 73 F.R. 65239.
Notice of President of the United States, dated Nov. 1, 2007, 72 F.R. 62407.
Notice of President of the United States, dated Nov. 1, 2006, 71 F.R. 64629.
Notice of President of the United States, dated Nov. 1, 2005, 70 F.R. 66745.
Notice of President of the United States, dated Nov. 1, 2004, 69 F.R. 63915.
Notice of President of the United States, dated Oct. 29, 2003, 68 F.R. 62211.
Notice of President of the United States, dated Oct. 29, 2002, 67 F.R. 66525.
Notice of President of the United States, dated Oct. 31, 2001, 66 F.R. 55869.
Notice of President of the United States, dated Oct. 31, 2000, 65 F.R. 66163.
Notice of President of the United States, dated Oct. 29, 1999, 64 F.R. 59105.
Notice of President of the United States, dated Oct. 27, 1998, 63 F.R. 58617.

Ex. Ord. No. 13400, Apr. 26, 2006, 71 F.R. 25483.
Ex. Ord. No. 13412, Oct. 13, 2006, 71 F.R. 61369.

SYRIA

Ex. Ord. No. 13338, May 11, 2004, 69 F.R. 26751, as amended by Ex. Ord. No. 13460, § 2, Feb. 13, 2008, 73 F.R. 8991.

Continuations of national emergency declared by Ex. Ord. No. 13338 were contained in the following:
Notice of President of the United States, dated May 7, 2009, 74 F.R. 21765.
Notice of President of the United States, dated May 7, 2008, 73 F.R. 26939.
Notice of President of the United States, dated May 8, 2007, 72 F.R. 26707.
Notice of President of the United States, dated May 8, 2006, 71 F.R. 27381.
Notice of President of the United States, dated May 5, 2005, 70 F.R. 24697.

Ex. Ord. No. 13399, Apr. 25, 2006, 71 F.R. 25059.
Ex. Ord. No. 13460, Feb. 13, 2008, 73 F.R. 8991.

WESTERN BALKANS

Ex. Ord. No. 12808, May 30, 1992, 57 F.R. 23299, revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315.

Continuations of national emergency declared by Ex. Ord. No. 12808 were contained in the following:
Notice of President of the United States, dated May 27, 2002, 67 F.R. 37661.
Notice of President of the United States, dated May 24, 2001, 66 F.R. 29007.
Notice of President of the United States, dated May 25, 2000, 65 F.R. 34379.
Notice of President of the United States, dated May 27, 1999, 64 F.R. 29205.
Notice of President of the United States, dated May 28, 1998, 63 F.R. 29527.
Notice of President of the United States, dated May 28, 1997, 62 F.R. 29283.
Notice of President of the United States, dated May 24, 1996, 61 F.R. 26773.
Determination of President, No. 96–7, Dec. 27, 1995, 61 F.R. 2887.
Notice of President of the United States, dated May 10, 1995, 60 F.R. 25599.
Notice of President of the United States, dated May 25, 1994, 59 F.R. 27429.
Notice of President of the United States, dated May 25, 1993, 58 F.R. 30693.

Ex. Ord. No. 12810, June 5, 1992, 57 F.R. 24347, as amended by Ex. Ord. No. 12831, § 4, Jan. 15, 1993, 58 F.R. 5253, revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315.

Ex. Ord. No. 12831, Jan. 15, 1993, 58 F.R. 5253, revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315.

Ex. Ord. No. 12846, Apr. 25, 1993, 58 F.R. 25771, revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315.

Ex. Ord. No. 12934, Oct. 25, 1994, 59 F.R. 54117, revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315.

Ex. Ord. No. 13088, June 9, 1998, 63 F.R. 32109, as amended by Ex. Ord. No. 13121, Apr. 30, 1999, 64 F.R. 24021, eff. May 1, 1999; Ex. Ord. No. 13192, Jan. 17, 2001, 66 F.R. 7379, eff. Jan. 19, 2001, revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315.

Continuations of national emergency declared by Ex. Ord. No. 13088 were contained in the following:

Notice of President of the United States, dated May 27, 2002, 67 F.R. 37661.

Notice of President of the United States, dated May 24, 2001, 66 F.R. 29007.

Notice of President of the United States, dated May 25, 2000, 65 F.R. 34379.

Notice of President of the United States, dated May 27, 1999, 64 F.R. 29205.

Ex. Ord. No. 13219, June 26, 2001, 66 F.R. 34777, as amended by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315.

Continuations of national emergency declared by Ex. Ord. No. 13219 were contained in the following:

Notice of President of the United States, dated June 22, 2009, 74 F.R. 30209.

Notice of President of the United States, dated June 24, 2008, 73 F.R. 36255.

Notice of President of the United States, dated June 22, 2007, 72 F.R. 34981.

Notice of President of the United States, dated June 22, 2006, 71 F.R. 36183.

Notice of President of the United States, dated June 23, 2005, 70 F.R. 36803.

Notice of President of the United States, dated June 24, 2004, 69 F.R. 36005.

Notice of President of the United States, dated June 20, 2003, 68 F.R. 37389.

Notice of President of the United States, dated June 21, 2002, 67 F.R. 42703.

Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315.

ZIMBABWE

Ex. Ord. No. 13288, Mar. 6, 2003, 68 F.R. 11457, as amended by Ex. Ord. No. 13391, Nov. 22, 2005, 70 F.R. 71201.

Continuations of national emergency declared by Ex. Ord. No. 13288 were contained in the following:

Notice of President of the United States, dated Mar. 3, 2009, 74 F.R. 9751.

Notice of President of the United States, dated Mar. 4, 2008, 73 F.R. 12005.

Notice of President of the United States, dated Feb. 28, 2007, 72 F.R. 9645.

Notice of President of the United States, dated Feb. 27, 2006, 71 F.R. 10603.

Notice of President of the United States, dated Mar. 2, 2005, 70 F.R. 10859.

Notice of President of the United States, dated Mar. 2, 2004, 69 F.R. 10313.

Ex. Ord. No. 13469, July 25, 2008, 73 F.R. 43841.

## § 1702. Presidential authorities

### (a) In general

(1) At the times and to the extent specified in section 1701 of this title, the President may, under such regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit—

(i) any transactions in foreign exchange,

(ii) transfers of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of any foreign country or a national thereof,

(iii) the importing or exporting of currency or securities,

by any person, or with respect to any property, subject to the jurisdiction of the United States;

(B) investigate, block during the pendency of an investigation, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and.[1]

(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.

(2) In exercising the authorities granted by paragraph (1), the President may require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in paragraph (1) either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of such paragraph. In any case in which a report by a person could be required under this paragraph, the President may require the production of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(3) Compliance with any regulation, instruction, or direction issued under this chapter shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be

[1] So in original. The period probably should not appear.

held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this chapter, or any regulation, instruction, or direction issued under this chapter.

**(b) Exceptions to grant of authority**

The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly—

(1) any postal, telegraphic, telephonic, or other personal communication, which does not involve a transfer of anything of value;

(2) donations, by persons subject to the jurisdiction of the United States, of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering, except to the extent that the President determines that such donations (A) would seriously impair his ability to deal with any national emergency declared under section 1701 of this title, (B) are in response to coercion against the proposed recipient or donor, or (C) would endanger Armed Forces of the United States which are engaged in hostilities or are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances; or[2]

(3) the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 2404 of the Appendix to this title, or under section 2405 of the Appendix to this title to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18; or

(4) any transactions ordinarily incident to travel to or from any country, including importation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages.

**(c) Classified information**

In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.

(Pub. L. 95–223, title II, § 203, Dec. 28, 1977, 91 Stat. 1626; Pub. L. 100–418, title II, § 2502(b)(1), Aug. 23, 1988, 102 Stat. 1371; Pub. L. 103–236, title V, § 525(c)(1), Apr. 30, 1994, 108 Stat. 474; Pub. L. 107–56, title I, § 106, Oct. 26, 2001, 115 Stat. 277.)

[2] So in original. The word ''or'' probably should not appear.

REFERENCES IN TEXT

Section 1(a) of the Classified Information Procedures Act, referred to in subsec. (c), is section 1(a) of Pub. L. 96–456, Oct. 15, 1980, 94 Stat. 2025, which is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2001—Pub. L. 107–56, § 106, which directed certain amendments to section 203 of the International Emergency Powers Act, was executed by making the amendments to this section, which is section 203 of the International Emergency Economic Powers Act, to reflect the probable intent of Congress. See below.

Subsec. (a)(1). Pub. L. 107–56, § 106(1)(C), which directed striking out ''by any person, or with respect to any property, subject to the jurisdiction of the United States' without providing closing quotation marks designating the provisions to be struck, was executed by striking out ''by any person, or with respect to any property, subject to the jurisdiction of the United States'' in concluding provisions.

Subsec. (a)(1)(A). Pub. L. 107–56, § 106(1)(A), substituted a comma for ''; and'' at end of cl. (iii) and inserted concluding provisions.

Subsec. (a)(1)(B). Pub. L. 107–56, § 106(1)(B), inserted '', block during the pendency of an investigation'' after ''investigate'' and substituted ''interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and'' for ''interest;''.

Subsec. (a)(1)(C). Pub. L. 107–56, § 106(1)(D), added subpar. (C).

Subsec. (c). Pub. L. 107–56, § 106(2), added subsec. (c).

1994—Subsec. (b)(3), (4). Pub. L. 103–236 added pars. (3) and (4) and struck out former par. (3) which read as follows: ''the importation from any country, or the exportation to any country, whether commercial or otherwise, of publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, or other informational materials, which are not otherwise controlled for export under section 2404 of the Appendix to this title or with respect to which no acts are prohibited by chapter 37 of title 18.''

1988—Subsec. (b)(3). Pub. L. 100–418 added par. (3).

EFFECTIVE DATE OF 1994 AMENDMENT

Section 525(c)(2) and (3) of Pub. L. 103–236 provided that:

''(2) The amendments made by paragraph (1) to section 203(b)(3) of the International Emergency Economic Powers Act [50 U.S.C. 1702(b)(3)] apply to actions taken by the President under section 203 of such Act before the date of enactment of this Act [Apr. 30, 1994] which are in effect on such date and to actions taken under such section on or after such date.

''(3) Section 203(b)(4) of the International Emergency Economic Powers Act (as added by paragraph (1)) shall not apply to restrictions on the transactions and activities described in section 203(b)(4) in force on the date of enactment of this Act, with respect to countries embargoed under the International Emergency Economic Powers Act [50 U.S.C. 1701 et seq.] on the date of enactment of this Act.''

EFFECTIVE DATE OF 1988 AMENDMENT

Section 2502(b)(2) of Pub. L. 100–418 provided that: ''The amendments made by paragraph (1) [amending this section] apply to actions taken by the President under section 203 of the International Emergency Economic Powers Act [this section] before the date of the enactment of this Act [Aug. 23, 1988] which are in effect on such date of enactment, and to actions taken under such section on or after such date of enactment.''

EX. ORD. NO. 13290. CONFISCATING AND VESTING CERTAIN IRAQI PROPERTY

Ex. Ord. No. 13290, Mar. 20, 2003, 68 F.R. 14307, as amended by Ex. Ord. No. 13350, § 3, July 29, 2004, 69 F.R. 46055, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, and in order to take additional steps with respect to the national emergency declared in Executive Order 13303 of March 20 [May 22], 2003 [listed in a table under section 1701 of this title], and expanded in Executive Order 13315 of August 28, 2003 [listed in a table under section 1701 of this title],

I, GEORGE W. BUSH, President of the United States of America, hereby determine that the United States and Iraq are engaged in armed hostilities, that it is in the interest of the United States to confiscate certain property of the Government of Iraq and its agencies, instrumentalities, or controlled entities, and that all right, title, and interest in any property so confiscated should vest in the Department of the Treasury. I intend that such vested property should be used to assist the Iraqi people and to assist in the reconstruction of Iraq, and determine that such use would be in the interest of and for the benefit of the United States.

I hereby order:

SECTION 1. All blocked funds held in the United States in accounts in the name of the Government of Iraq, the Central Bank of Iraq, Rafidain Bank, Rasheed Bank, or the State Organization for Marketing Oil are hereby confiscated and vested in the Department of the Treasury, except for the following:

(a) any such funds that are subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoy equivalent privileges and immunities under the laws of the United States, and are or have been used for diplomatic or consular purposes, and

(b) any such amounts that as of the date of this order are subject to post-judgment writs of execution or attachment in aid of execution of judgments pursuant to section 201 of the Terrorism Risk Insurance Act of 2002 (Public Law 107–297) [see Tables for classification], provided that, upon satisfaction of the judgments on which such writs are based, any remainder of such excepted amounts shall, by virtue of this order and without further action, be confiscated and vested.

SEC. 2. The Secretary of the Treasury is authorized to perform, without further approval, ratification, or other action of the President, all functions of the President set forth in section 203(a)(1)(C) of IEEPA [50 U.S.C. 1702(a)(1)(C)] with respect to any and all property of the Government of Iraq, including its agencies, instrumentalities, or controlled entities, and to take additional steps, including the promulgation of rules and regulations as may be necessary, to carry out the purposes of this order. The Secretary of the Treasury may redelegate such functions in accordance with applicable law. The Secretary of the Treasury shall consult the Attorney General as appropriate in the implementation of this order.

SEC. 3. This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH.

### § 1703. Consultation and reports

#### (a) Consultation with Congress

The President, in every possible instance, shall consult with the Congress before exercising any of the authorities granted by this chapter and shall consult regularly with the Congress so long as such authorities are exercised.

#### (b) Report to Congress upon exercise of Presidential authorities

Whenever the President exercises any of the authorities granted by this chapter, he shall immediately transmit to the Congress a report specifying—

(1) the circumstances which necessitate such exercise of authority;

(2) why the President believes those circumstances constitute an unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States;

(3) the authorities to be exercised and the actions to be taken in the exercise of those authorities to deal with those circumstances;

(4) why the President believes such actions are necessary to deal with those circumstances; and

(5) any foreign countries with respect to which such actions are to be taken and why such actions are to be taken with respect to those countries.

#### (c) Periodic follow-up reports

At least once during each succeeding six-month period after transmitting a report pursuant to subsection (b) of this section with respect to an exercise of authorities under this chapter, the President shall report to the Congress with respect to the actions taken, since the last such report, in the exercise of such authorities, and with respect to any changes which have occurred concerning any information previously furnished pursuant to paragraphs (1) through (5) of subsection (b) of this section.

#### (d) Supplemental requirements

The requirements of this section are supplemental to those contained in title IV of the National Emergencies Act [50 U.S.C. 1641].

(Pub. L. 95–223, title II, § 204, Dec. 28, 1977, 91 Stat. 1627.)

REFERENCES IN TEXT

The National Emergencies Act, referred to in subsec. (d), is Pub. L. 94–412, Sept. 14, 1976, 90 Stat. 1255, as amended. Title IV of the National Emergencies Act enacted subchapter IV (§ 1641) of chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

DELEGATION OF FUNCTIONS

Delegations of congressional reporting functions of President under subsec. (c) of this section were contained in the following:

Ex. Ord. No. 13441, § 6, Aug. 1, 2007, 72 F.R. 43500, listed in a table under section 1701 of this title.

Ex. Ord. No. 13396, § 6, Feb. 7, 2006, 71 F.R. 7391, listed in a table under section 1701 of this title.

Ex. Ord. No. 13348, § 7, July 22, 2004, 69 F.R. 44887, listed in a table under section 1701 of this title.

Ex. Ord. No. 13338, § 12, May 11, 2004, 69 F.R. 26754, listed in a table under section 1701 of this title.

Ex. Ord. No. 13313, § 1, July 31, 2003, 68 F.R. 46073 to 46075, set out in a note under section 301 of Title 3, The President.

### § 1704. Authority to issue regulations

The President may issue such regulations, including regulations prescribing definitions, as may be necessary for the exercise of the authorities granted by this chapter.

(Pub. L. 95–223, title II, § 205, Dec. 28, 1977, 91 Stat. 1628.)

## § 1705. Penalties

### (a) Unlawful acts

It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this chapter.

### (b) Civil penalty

A civil penalty may be imposed on any person who commits an unlawful act described in subsection (a) in an amount not to exceed the greater of—

(1) $250,000; or

(2) an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

### (c) Criminal penalty

A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall, upon conviction, be fined not more than $1,000,000, or if a natural person, may be imprisoned for not more than 20 years, or both.

(Pub. L. 95–223, title II, § 206, Dec. 28, 1977, 91 Stat. 1628; Pub. L. 102–393, title VI, § 629, Oct. 6, 1992, 106 Stat. 1773; Pub. L. 102–396, title IX, § 9155, Oct. 6, 1992, 106 Stat. 1943; Pub. L. 104–201, div. A, title XIV, § 1422, Sept. 23, 1996, 110 Stat. 2725; Pub. L. 109–177, title IV, § 402, Mar. 9, 2006, 120 Stat. 243; Pub. L. 110–96, § 2(a), Oct. 16, 2007, 121 Stat. 1011.)

AMENDMENTS

2007—Pub. L. 110–96 amended section generally. Prior to amendment, text of section read as follows:

''(a) A civil penalty of not to exceed $50,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this chapter.

''(b) Whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this chapter shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than twenty years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.''

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110–96, § 2(b), Oct. 16, 2007, 121 Stat. 1011, provided that:

''(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act [50 U.S.C. 1705(b)], as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act [Oct. 16, 2007].

''(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.''

2006—Subsec. (a). Pub. L. 109–177, § 402(1), substituted ''$50,000'' for ''$10,000''.

Subsec. (b). Pub. L. 109–177, § 402(2), substituted ''twenty years'' for ''ten years''.

1996—Subsec. (a). Pub. L. 104–201, § 1422(1), inserted '', or attempts to violate,'' after ''violates''.

Subsec. (b). Pub. L. 104–201, § 1422(2), inserted '', or willfully attempts to violate,'' after ''violates''.

1992—Subsec. (a). Pub. L. 102–396 substituted ''$10,000'' for ''$50,000''.

Pub. L. 102–393 substituted ''$50,000'' for ''$10,000''.

## § 1706. Savings provisions

### (a) Termination of national emergencies pursuant to National Emergencies Act

(1) Except as provided in subsection (b) of this section, notwithstanding the termination pursuant to the National Emergencies Act [50 U.S.C. 1601 et seq.] of a national emergency declared for purposes of this chapter, any authorities granted by this chapter, which are exercised on the date of such termination on the basis of such national emergency to prohibit transactions involving property in which a foreign country or national thereof has any interest, may continue to be so exercised to prohibit transactions involving that property if the President determines that the continuation of such prohibition with respect to that property is necessary on account of claims involving such country or its nationals.

(2) Notwithstanding the termination of the authorities described in section 101(b) of this Act, any such authorities, which are exercised with respect to a country on the date of such termination to prohibit transactions involving any property in which such country or any national thereof has any interest, may continue to be exercised to prohibit transactions involving that property if the President determines that the continuation of such prohibition with respect to that property is necessary on account of claims involving such country or its nationals.

### (b) Congressional termination of national emergencies by concurrent resolution

The authorities described in subsection (a)(1) of this section may not continue to be exercised under this section if the national emergency is terminated by the Congress by concurrent resolution pursuant to section 202 of the National Emergencies Act [50 U.S.C. 1622] and if the Congress specifies in such concurrent resolution that such authorities may not continue to be exercised under this section.

### (c) Supplemental savings provisions; supersedure of inconsistent provisions

(1) The provisions of this section are supplemental to the savings provisions of paragraphs (1), (2), and (3) of section 101(a) [50 U.S.C. 1601(a)(1), (2), (3)] and of paragraphs (A), (B), and (C) of section 202(a) [50 U.S.C. 1622(a)(A), (B), and (C)] of the National Emergencies Act.

(2) The provisions of this section supersede the termination provisions of section 101(a) [50 U.S.C. 1601(a)] and of title II [50 U.S.C. 1621 et seq.] of the National Emergencies Act to the extent that the provisions of this section are inconsistent with these provisions.

### (d) Periodic reports to Congress

If the President uses the authority of this section to continue prohibitions on transactions involving foreign property interests, he shall report to the Congress every six months on the use of such authority.

(Pub. L. 95–223, title II, § 207, Dec. 28, 1977, 91 Stat. 1628.)

REFERENCES IN TEXT

The National Emergencies Act, referred to in subsecs. (a)(1) and (c)(2), is Pub. L. 94–412, Sept. 14, 1976, 90 Stat. 1255, as amended, which is classified principally to chapter 34 (§1601 et seq.) of this title. Title II of the National Emergencies Act is classified generally to subchapter II (§1621 et seq.) of chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

Section 101(b) of this Act, referred to in subsec. (a)(2), is section 101(b) of Pub. L. 95–223, which is set out as a note under section 5 of the Appendix to this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report required under subsec. (d) of this section is listed as the 11th item on page 27), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

### §1707. Multinational economic embargoes against governments in armed conflict with the United States

**(a) Policy on the establishment of embargoes**

It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall, as appropriate—

(1) seek the establishment of a multinational economic embargo against such country; and

(2) seek the seizure of its foreign financial assets.

**(b) Reports to Congress**

Not later than 20 days after the first day of the engagement of the United States in hostilities described in subsection (a) of this section, the President shall, if the armed conflict has continued for 14 days, submit to Congress a report setting forth—

(1) the specific steps the United States has taken and will continue to take to establish a multinational economic embargo and to initiate financial asset seizure pursuant to subsection (a) of this section; and

(2) any foreign sources of trade or revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the United States.

(Pub. L. 106–65, div. A, title XII, §1231, Oct. 5, 1999, 113 Stat. 788.)

CODIFICATION

This section enacted as part of the National Defense Authorization Act for Fiscal Year 2000, and not as part of the International Emergency Economic Powers Act which comprises this chapter.

## CHAPTER 36—FOREIGN INTELLIGENCE SURVEILLANCE

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