

110TH CONGRESS
1ST SESSION

S. 527

To make amendments to the Iran, North Korea, and Syria Nonproliferation Act.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2007

Mr. FEINGOLD (for himself and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To make amendments to the Iran, North Korea, and Syria Nonproliferation Act.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Iran, North Korea,
5 and Syria Nonproliferation Enforcement Act of 2007”.

6 **SEC. 2. SANCTIONS APPLICABLE UNDER THE IRAN, NORTH**
7 **KOREA, AND SYRIA NONPROLIFERATION ACT.**

8 (a) APPLICATION OF CERTAIN MEASURES.—Section
9 3 of the Iran, North Korea, and Syria Nonproliferation

1 Act (Public Law 106–178, as amended; 50 U.S.C. 1701
2 note) is amended—

3 (1) by amending subsection (a) to read as fol-
4 lows:

5 “(a) APPLICATION OF MEASURES.—Subject to sec-
6 tions 4 and 5, the President shall apply, for a period of
7 not less than 2 years, the measures described in subsection
8 (b) with respect to—

9 “(1) each foreign person identified in a report
10 submitted pursuant to section 2(a);

11 “(2) all successors, subunits, and subsidiaries of
12 each such foreign person; and

13 “(3) any entity (if operating as a business en-
14 terprise) that owns more than 50 percent of, or con-
15 trols in fact, any such foreign person and any suc-
16 cessors, subunits, and subsidiaries of such entity.”;

17 (2) in subsection (b)—

18 (A) by amending paragraph (1) to read as
19 follows:

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

25 (B) in paragraph (2)—

1 (i) by striking “to that foreign per-
2 son”; and

3 (ii) by striking “to that person”;

4 (C) in paragraph (3), by striking “to that
5 person”; and

6 (D) by adding at the end the following new
7 paragraphs:

8 “(4) INVESTMENT PROHIBITION.—Prohibition
9 on any new investment by a United States person in
10 property, including entities, owned or controlled
11 by—

12 “(A) that foreign person;

13 “(B) any entity (if operating as a business
14 enterprise) that owns more than 50 percent of,
15 or controls in fact, such foreign person; or

16 “(C) any successor, subunit, or subsidiary
17 of such entity.

18 “(5) FINANCING PROHIBITION.—Prohibition on
19 any approval, financing, or guarantee by a United
20 States person, wherever located, of a transaction
21 by—

22 “(A) that foreign person;

23 “(B) any entity (if operating as a business
24 enterprise) that owns more than 50 percent of,
25 or controls in fact, such foreign person; or

1 “(C) any successor, subunit, or subsidiary
2 of such entity.

3 “(6) FINANCIAL ASSISTANCE PROHIBITION.—
4 Denial by the United States Government of any
5 credit, credit guarantees, grants, or other financial
6 assistance by any department, agency, or instrumen-
7 tality of the United States Government to—

8 “(A) that foreign person;

9 “(B) any entity (if operating as a business
10 enterprise) that owns more than 50 percent of,
11 or controls in fact, such foreign person; and

12 “(C) any successor, subunit, or subsidiary
13 of such entity.”; and

14 (3) by amending subsection (d) to read as fol-
15 lows:

16 “(d) PUBLICATION IN FEDERAL REGISTER.—

17 “(1) IN GENERAL.—The application of meas-
18 ures pursuant to subsection (a) shall be announced
19 by notice published in the Federal Register.

20 “(2) CONTENT.—Each notice published pursu-
21 ant to paragraph (1) shall include the name and ad-
22 dress (where known) of each person or entity to
23 whom measures have been applied pursuant to sub-
24 section (a).”.

1 (b) NATIONAL SECURITY WAIVER.—Section 4 of
2 such Act is amended to read as follows:

3 **“SEC. 4. WAIVER ON BASIS OF NATIONAL SECURITY.**

4 “(a) IN GENERAL.—The President may waive the im-
5 position of any sanction that would otherwise be required
6 under section 3 on any person or entity 15 days after the
7 President determines and reports to the Committee on
8 International Relations of the House of Representatives
9 and the Committee on Foreign Relations of the Senate
10 that such waiver is essential to the national security of
11 the United States.

12 “(b) WRITTEN JUSTIFICATION.—The determination
13 and report of the President under subsection (a) shall in-
14 clude a written justification—

15 “(1) describing in detail the circumstances and
16 rationale supporting the President’s conclusion that
17 the waiver is essential to the national security of the
18 United States; and

19 “(2) identifying—

20 “(A) the name and address (where known)
21 of the person or entity to whom the waiver is
22 applied pursuant to subsection (a);

23 “(B) the specific goods, services, or tech-
24 nologies, the transfer of which would have re-
25 quired the imposition of measures pursuant to

1 section 3 if the President had not invoked the
2 waiver authority under subsection (a); and

3 “(C) the name and address (where known)
4 of the recipient of such transfer.

5 “(c) FORM.—The written justification shall be sub-
6 mitted in unclassified form, but may contain a classified
7 annex.”.

○