

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(Pub. L. 111-73, title III, §302, Oct. 15, 2009, 123 Stat. 2077.)

REFERENCES IN TEXT

Sections 1116 and 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1906 and 1907), referred to in subsec. (c), are not classified to the Code.

CHAPTER 92—COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT

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§ 8501. Findings

Congress makes the following findings:

(1) The illicit nuclear activities of the Government of Iran, combined with its development of unconventional weapons and ballistic missiles and its support for international terrorism, represent a threat to the security of the United States, its strong ally Israel, and other allies of the United States around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.

(3) The International Atomic Energy Agency has repeatedly called attention to Iran's illicit nuclear activities and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to suspend those activities and comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty").

(4) The serious and urgent nature of the threat from Iran demands that the United States work together with its allies to do everything possible—diplomatically, politically, and economically—to prevent Iran from acquiring a nuclear weapons capability.

(5) The United States and its major European allies, including the United Kingdom, France, and Germany, have advocated that sanctions be strengthened should international diplomatic efforts fail to achieve verifiable suspension of Iran's uranium enrichment program and an end to its nuclear weapons program and other illicit nuclear activities.

(6) The Government of Iran continues to engage in serious, systematic, and ongoing violations of human rights, including suppression of freedom of expression and religious freedom, illegitimately prolonged detention, torture, and executions. Such violations have increased in the aftermath of the fraudulent presidential election in Iran on June 12, 2009.

(7) The Government of Iran has been unresponsive to President Obama's unprecedented and serious efforts at engagement, revealing that the Government of Iran is not interested in a diplomatic resolution, as made clear, for example, by the following:

(A) Iran's apparent rejection of the Tehran Research Reactor plan, generously offered by the United States and its partners, of potentially great benefit to the people of Iran, and endorsed by Iran's own negotiators in October 2009.

(B) Iran's ongoing clandestine nuclear program, as evidenced by its work on the secret uranium enrichment facility at Qom, its subsequent refusal to cooperate fully with inspectors from the International Atomic Energy Agency, and its announcement that it would build 10 new uranium enrichment facilities.

(C) Iran's official notification to the International Atomic Energy Agency that it

would enrich uranium to the 20 percent level, followed soon thereafter by its providing to that Agency a laboratory result showing that Iran had indeed enriched some uranium to 19.8 percent.

(D) A February 18, 2010, report by the International Atomic Energy Agency expressing “concerns about the possible existence in Iran of past or current undisclosed activities related to the development of a nuclear payload for a missile. These alleged activities consist of a number of projects and sub-projects, covering nuclear and missile related aspects, run by military-related organizations.”.

(E) A May 31, 2010, report by the International Atomic Energy Agency expressing continuing strong concerns about Iran’s lack of cooperation with the Agency’s verification efforts and Iran’s ongoing enrichment activities, which are contrary to the longstanding demands of the Agency and the United Nations Security Council.

(F) Iran’s announcement in April 2010 that it had developed a new, faster generation of centrifuges for enriching uranium.

(G) Iran’s ongoing arms exports to, and support for, terrorists in direct contravention of United Nations Security Council resolutions.

(H) Iran’s July 31, 2009, arrest of 3 young citizens of the United States on spying charges.

(8) There is an increasing interest by State governments, local governments, educational institutions, and private institutions, business firms, and other investors to disassociate themselves from companies that conduct business activities in the energy sector of Iran, since such business activities may directly or indirectly support the efforts of the Government of Iran to achieve a nuclear weapons capability.

(9) Black market proliferation networks continue to flourish in the Middle East, allowing countries like Iran to gain access to sensitive dual-use technologies.

(10) Economic sanctions imposed pursuant to the provisions of this Act, the Iran Sanctions Act of 1996, as amended by this Act, and the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), and other authorities available to the United States to impose economic sanctions to prevent Iran from developing nuclear weapons, are necessary to protect the essential security interests of the United States.

(Pub. L. 111–195, §2, July 1, 2010, 124 Stat. 1313.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

REFERENCES IN TEXT

This Act, referred to in par. (10), is Pub. L. 111–195, July 1, 2010, 124 Stat. 1312, which enacted this chapter, amended sections 287c, 2778, and 2780 of this title, section 80a–13 of Title 15, Commerce and Trade, section 310 of Title 31, Money and Finance, and section 16 of the Appendix to Title 50, War and National Defense, enacted provisions set out as notes under section 80a–13 of

Title 15 and section 1701 of Title 50, and amended provisions set out as notes under section 1701 of Title 50. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

The Iran Sanctions Act of 1996, as amended by this Act, referred to in par. (10), is Pub. L. 104–172, Aug. 5, 1996, 110 Stat. 1541, as amended by Pub. L. 111–195, which is set out as a note under section 1701 of Title 50, War and National Defense.

The International Emergency Economic Powers Act, referred to in par. (10), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

SHORT TITLE

Pub. L. 111–195, §1(a), July 1, 2010, 124 Stat. 1312, provided that: “This Act [enacting this chapter, amending sections 287c, 2778, and 2780 of this title, section 80a–13 of Title 15, Commerce and Trade, section 310 of Title 31, Money and Finance, and section 16 of the Appendix to Title 50, War and National Defense, enacting provisions set out as notes under section 80a–13 of Title 15 and section 1701 of Title 50, and amending provisions set out as notes under section 1701 of Title 50] may be cited as the ‘Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010’.”

DELEGATION OF CERTAIN FUNCTIONS AND AUTHORITIES UNDER THE COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010

Memorandum of President of the United States, Sept. 23, 2010, 75 F.R. 67025, provided:

Memorandum for the Secretary of State[,] the Secretary of the Treasury[,] the Attorney General[,] the Secretary of Commerce[,] United States Trade Representative[,] Chairman of the Board of Governors of the Federal Reserve System[, and] President of the Export-Import Bank of the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby order as follows:

I hereby delegate to the Secretary of State the functions vested in the President by sections 4(c), 5(a), 5(b), 5(c), 5(f), 6(a)(1), 6(a)(2), 6(b)(5), and 9(c) of the Iran Sanctions Act of 1996, as amended (Public Law 104–172, 50 U.S.C. 1701 note, as amended most recently by the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA) (Public Law 111–195)) (the “Iran Sanctions Act”), such functions to be exercised in consultation with the Secretaries of the Treasury and Commerce and the United States Trade Representative, and with the President of the Export-Import Bank and the Chairman of the Board of the Federal Reserve System and other agencies as appropriate.

I hereby delegate to the Secretary of State the functions vested in the President by sections 4(a), 4(b), 4(e), 5(d), 5(e), 9(a), 9(b), and 10 of the Iran Sanctions Act.

I hereby delegate to the Secretary of the Treasury, in consultation with the Secretary of State, the functions vested in the President by sections 6(a)(6), 6(a)(7), and 6(a)(8) of the Iran Sanctions Act, if the sanctions that those provisions authorize have been selected pursuant to section 5(a) of the Iran Sanctions Act in accordance with the terms of this memorandum.

The Presidential Memorandum of November 21, 1996 (Delegation of Responsibilities Under the Iran and Libya Sanctions Act of 1996), shall remain in effect with regard to implementation under section 102(h)(2) of CISADA of the provisions of the Iran Sanctions Act in effect on the day before the date of enactment of CISADA.

I hereby delegate functions vested in the President by CISADA, as follows:

- section 102(h)(5) [50 U.S.C. 1701 note] to the Secretary of State;

- section 103(b)(3) [22 U.S.C. 8512(b)(3)] to the Secretary of State and the Secretary of the Treasury, consistent with Executive Orders 13224 and 13382, as amended, and any other relevant Executive Orders;
- section 103(d)(1) to the Secretary of the Treasury, in consultation with the Secretary of State and, as appropriate, other agencies;
- section 103(d)(2)(A) to the Secretary of the Treasury, in consultation with the Secretary of State;
- section 103(d)(2)(B) to the Secretary of State, in consultation with the Secretary of the Treasury and the Secretary of Commerce;
- section 106 [22 U.S.C. 8515] to the Secretary of State, in consultation with the Secretary of Commerce;
- section 110 [22 U.S.C. 8518] to the Secretary of State;
- section 111(a) [22 U.S.C. 8519(a)] to the Secretary of State, in consultation with the Secretary of the Treasury and the President of the Export-Import Bank;
- section 111(b) to the President of the Export-Import Bank, in consultation with the Secretary of State and the Secretary of the Treasury;
- section 115 [24 Stat. 1341] to the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury;
- sections 303(a) and 303(b) [22 U.S.C. 8543(a), (b)] to the Secretary of State, in consultation with the Secretary of Commerce;
- section 303(c) to the Secretary of Commerce with regard to exports governed by the Export Administration Regulations, and to the Secretary of State with regard to exports governed by the International Traffic in Arms Regulations;
- section 303(d) to the Secretary of State, in consultation with the Secretary of Commerce;
- section 303(e) to the Secretary of State, in consultation with the Secretary of Commerce;
- section 304 [24 Stat. 1349] to the Secretary of State, in consultation with the Secretary of Commerce;
- section 401(b) [22 U.S.C. 8551(b)] to the Secretary of State, in consultation with the Secretary of the Treasury and, as appropriate, other agencies, with respect to the waiver of sanctions under section 103(b); to the Secretary of State, in consultation with the Secretary of Commerce, with respect to the waiver of the application of the prohibition under section 106(a); and to the Secretary of State, in consultation with the Secretary of Commerce, with respect to the waiver of the imposition of the licensing requirement under section 303(c).

Any reference in this memorandum to provisions of any Act related to the subject of this memorandum shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provisions.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

SUBCHAPTER I—SANCTIONS

§ 8511. Definitions

In this subchapter:

(1) Agricultural commodity

The term “agricultural commodity” has the meaning given that term in section 5602 of title 7.

(2) Appropriate congressional committees

The term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note), as amended by section 102 of this Act.

(3) Executive agency

The term “executive agency” has the meaning given that term in section 133 of title 41.

(4) Family member

The term “family member” means, with respect to an individual, a spouse, child, parent, sibling, grandchild, or grandparent of the individual.

(5) Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran

The term “Iranian diplomat or representative of another government or military or quasi-governmental institution of Iran” means any of the Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran (as that term is defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note)).

(6) Knowingly

The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(7) Medical device

The term “medical device” has the meaning given the term “device” in section 321 of title 21.

(8) Medicine

The term “medicine” has the meaning given the term “drug” in section 321 of title 21.

(9) State

The term “State” means each of 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.

(10) United States person

The term “United States person” means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 1101(a) of title 8;¹ and

(B) an entity that is organized under the laws of the United States or any State.

(Pub. L. 111–195, title I, §101, July 1, 2010, 124 Stat. 1316; Pub. L. 112–158, title III, §311(b)(2), Aug. 10, 2012, 126 Stat. 1248.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

REFERENCES IN TEXT

This subchapter, referred to in introductory provisions, was in the original “this title”, meaning Pub. L. 111–195, title I, July 1, 2010, 124 Stat. 1316, which enacted this subchapter, amended sections 287c, 2778, and 2780 of this title, section 310 of Title 31, Money and Finance, and section 16 of the Appendix to Title 50, War and National Defense, enacted and amended provisions set out as notes under section 1701 of Title 50. For complete classification of title I to the Code, see Tables.

Section 102 of this Act, referred to in par. (2), is section 102 of Pub. L. 111–195, which enacted and amended

¹ So in original. Probably should be “title 8;”.

provisions set out as notes under section 1701 of Title 50, War and National Defense.

AMENDMENTS

2012—Par. (3). Pub. L. 112-158 substituted “section 133 of title 41” for “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)”.

§ 8512. Economic sanctions relating to Iran

(a) In general

Notwithstanding section 101 of the Iran Freedom Support Act (Public Law 109-293; 120 Stat. 1344), and in addition to any other sanction in effect, beginning on the date that is 90 days after July 1, 2010, the economic sanctions described in subsection (b) shall apply with respect to Iran.

(b) Sanctions

The sanctions described in this subsection are the following:

(1) Prohibition on imports

(A) In general

Except as provided in subparagraph (B), no good or service of Iranian origin may be imported directly or indirectly into the United States.

(B) Exceptions

The exceptions provided for in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), including the exception for information and informational materials, shall apply to the prohibition in subparagraph (A) of this paragraph to the same extent that such exceptions apply to the authority provided under section 203(a) of that Act.

(2) Prohibition on exports

(A) In general

Except as provided in subparagraph (B), no good, service, or technology of United States origin may be exported to Iran from the United States or by a United States person, wherever located.

(B) Exceptions

(i) Personal communications; articles to relieve human suffering; information and informational materials; transactions incident to travel

The exceptions provided for in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), including the exception for information and informational materials, shall apply to the prohibition in subparagraph (A) of this paragraph to the same extent that such exceptions apply to the authority provided under section 203(a) of that Act.

(ii) Food; medicine; humanitarian assistance

The prohibition in subparagraph (A) shall not apply to the exportation of—

(I) agricultural commodities, food, medicine, or medical devices; or

(II) articles exported to Iran to provide humanitarian assistance to the people of Iran.

(iii) Internet communications

The prohibition in subparagraph (A) shall not apply to the exportation of—

(I) services incident to the exchange of personal communications over the Internet or software necessary to enable such services, as provided for in section 560.540 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling);

(II) hardware necessary to enable such services; or

(III) hardware, software, or technology necessary for access to the Internet.

(iv) Goods, services, or technologies necessary to ensure the safe operation of commercial aircraft

The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies necessary to ensure the safe operation of commercial aircraft produced in the United States or commercial aircraft into which aircraft components produced in the United States are incorporated, if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations issued by the Secretary of the Treasury regarding the exportation of such goods, services, or technologies, if appropriate.

(v) Goods, services, or technologies exported to support international organizations

The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies that—

(I) are provided to the International Atomic Energy Agency and are necessary to support activities of that Agency in Iran; or

(II) are necessary to support activities, including the activities of nongovernmental organizations, relating to promoting democracy in Iran.

(vi) Exports in the national interest

The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies if the President determines the exportation of such goods, services, or technologies to be in the national interest of the United States.

(3) Freezing assets

(A) In general

At such time as the President determines that a person in Iran, including an Iranian diplomat or representative of another government or military or quasi-governmental institution of Iran (including Iran's Revolutionary Guard Corps and its affiliates), satisfies the criteria for designation with respect to the imposition of sanctions under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the President shall take such action as may be necessary to freeze, as soon as possible—

(i) the funds and other assets belonging to that person; and

(ii) any funds or other assets that person transfers, on or after the date on which the President determines the person satisfies such criteria, to any family member or associate acting for or on behalf of the person.

(B) Reports to the Office of Foreign Assets Control

The action described in subparagraph (A) includes requiring any United States financial institution that holds funds or assets of a person described in that subparagraph or funds or assets that person transfers to a family member or associate described in that subparagraph to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(C) Reports to Congress

Not later than 14 days after a decision is made to freeze the funds or assets of any person under subparagraph (A), the President shall report the name of the person to the appropriate congressional committees. Such a report may contain a classified annex.

(D) Termination

The President shall release assets or funds frozen under subparagraph (A) if the person to which the assets or funds belong or the person that transfers the assets or funds as described in subparagraph (A)(ii) (as the case may be) no longer satisfies the criteria for designation with respect to the imposition of sanctions under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(E) United States financial institution defined

In this paragraph, the term “United States financial institution” means a financial institution (as defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note)) that is a United States person.

(c) Penalties

The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(d) Regulatory authority

(1) In general

The President shall prescribe regulations to carry out this section, which may include regulatory exceptions to the sanctions described in subsection (b).

(2) Applicability of certain regulations

No exception to the prohibition under subsection (b)(1) may be made for the commercial importation of an Iranian origin good described in section 560.534(a) of title 31, Code of

Federal Regulations (as in effect on the day before July 1, 2010), unless the President—

(A) prescribes a regulation providing for such an exception on or after July 1, 2010; and

(B) submits to the appropriate congressional committees—

(i) a certification in writing that the exception is in the national interest of the United States; and

(ii) a report describing the reasons for the exception.

(Pub. L. 111-195, title I, §103, July 1, 2010, 124 Stat. 1328.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

REFERENCES IN TEXT

Section 101 of the Iran Freedom Support Act, referred to in subsec. (a), is section 101 of Pub. L. 109-293, which is set out as a note under section 1701 of Title 50, War and National Defense.

The International Emergency Economic Powers Act, referred to in subsec. (b)(3)(A), (D), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Memorandum of President of the United States, Sept. 23, 2010, 75 F.R. 67025, set out as a note under section 8501 of this title.

§ 8513. Mandatory sanctions with respect to financial institutions that engage in certain transactions

(a) Findings

Congress makes the following findings:

(1) The Financial Action Task Force is an intergovernmental body whose purpose is to develop and promote national and international policies to combat money laundering and terrorist financing.

(2) Thirty-three countries, plus the European Commission and the Cooperation Council for the Arab States of the Gulf, belong to the Financial Action Task Force. The member countries of the Financial Action Task Force include the United States, Canada, most countries in western Europe, Russia, the People's Republic of China, Japan, South Korea, Argentina, and Brazil.

(3) In 2008 the Financial Action Task Force extended its mandate to include addressing “new and emerging threats such as proliferation financing”, meaning the financing of the proliferation of weapons of mass destruction, and published “guidance papers” for members to assist them in implementing various United Nations Security Council resolutions dealing with weapons of mass destruction, including United Nations Security Council Resolutions 1737 (2006) and 1803 (2008), which deal specifically with proliferation by Iran.

(4) The Financial Action Task Force has repeatedly called on members—

(A) to advise financial institutions in their jurisdictions to give special attention to

business relationships and transactions with Iran, including Iranian companies and financial institutions;

(B) to apply effective countermeasures to protect their financial sectors from risks relating to money laundering and financing of terrorism that emanate from Iran;

(C) to protect against correspondent relationships being used by Iran and Iranian companies and financial institutions to bypass or evade countermeasures and risk-mitigation practices; and

(D) to take into account risks relating to money laundering and financing of terrorism when considering requests by Iranian financial institutions to open branches and subsidiaries in their jurisdictions.

(5) At a February 2010 meeting of the Financial Action Task Force, the Task Force called on members to apply countermeasures “to protect the international financial system from the ongoing and substantial money laundering and terrorist financing (ML/TF) risks” emanating from Iran.

(b) Sense of Congress regarding the imposition of sanctions on the Central Bank of Iran

Congress—

(1) acknowledges the efforts of the United Nations Security Council to impose limitations on transactions involving Iranian financial institutions, including the Central Bank of Iran; and

(2) urges the President, in the strongest terms, to consider immediately using the authority of the President to impose sanctions on the Central Bank of Iran and any other Iranian financial institution engaged in proliferation activities or support of terrorist groups.

(c) Prohibitions and conditions with respect to certain accounts held by foreign financial institutions

(1) In general

Not later than 90 days after July 1, 2010, the Secretary of the Treasury shall prescribe regulations to prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the Secretary finds knowingly engages in an activity described in paragraph (2).

(2) Activities described

A foreign financial institution engages in an activity described in this paragraph if the foreign financial institution—

(A) facilitates the efforts of the Government of Iran (including efforts of Iran’s Revolutionary Guard Corps or any of its agents or affiliates)—

(i) to acquire or develop weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) to provide support for organizations designated as foreign terrorist organizations under section 1189(a) of title 8 or support for acts of international terrorism (as defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note));

(B) facilitates the activities of—

(i) a person subject to financial sanctions pursuant to United Nations Security Council Resolution 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010), or any other resolution that is agreed to by the Security Council and imposes sanctions with respect to Iran; or

(ii) a person acting on behalf of or at the direction of, or owned or controlled by, a person described in clause (i);

(C) engages in money laundering to carry out an activity described in subparagraph (A) or (B);

(D) facilitates efforts by the Central Bank of Iran or any other Iranian financial institution to carry out an activity described in subparagraph (A) or (B); or

(E) facilitates a significant transaction or transactions or provides significant financial services for—

(i) Iran’s Revolutionary Guard Corps or any of its agents or affiliates whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(ii) a person whose property or interests in property are blocked pursuant to that Act in connection with—

(I) Iran’s proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(II) Iran’s support for international terrorism.

(3) Penalties

The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) of this subsection to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(4) Determinations regarding NIOC and NITC

(A) Determinations

For purposes of paragraph (2)(E), the Secretary of the Treasury shall, not later than 45 days after August 10, 2012—

(i) determine whether the NIOC or the NITC is an agent or affiliate of Iran’s Revolutionary Guard Corps; and

(ii) submit to the appropriate congressional committees a report on the determinations made under clause (i), together with the reasons for those determinations.

(B) Form of report

A report submitted under subparagraph (A)(ii) shall be submitted in unclassified form but may contain a classified annex.

(C) Applicability with respect to petroleum transactions

(i) Application of sanctions

Except as provided in clause (ii), if the Secretary of the Treasury determines that

the NIOC or the NITC is a person described in clause (i) or (ii) of paragraph (2)(E), the regulations prescribed under paragraph (1) shall apply with respect to a significant transaction or transactions or significant financial services knowingly facilitated or provided by a foreign financial institution for the NIOC or the NITC, as applicable, for the purchase of petroleum or petroleum products from Iran, only if a determination of the President under section 8513a(d)(4)(B) of this title that there is a sufficient supply of petroleum and petroleum products produced in countries other than Iran to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect at the time of the transaction or the provision of the service.

(ii) Exception for certain countries

If the Secretary of the Treasury determines that the NIOC or the NITC is a person described in clause (i) or (ii) of paragraph (2)(E), the regulations prescribed under paragraph (1) shall not apply to a significant transaction or transactions or significant financial services knowingly facilitated or provided by a foreign financial institution for the NIOC or the NITC, as applicable, for the purchase of petroleum or petroleum products from Iran if an exception under paragraph (4)(D) of section 8513a(d) of this title applies to the country with primary jurisdiction over the foreign financial institution at the time of the transaction or the provision of the service.

(iii) Rule of construction

The exceptions in clauses (i) and (ii) shall not be construed to limit the authority of the Secretary of the Treasury to impose sanctions pursuant to the regulations prescribed under paragraph (1) for an activity described in paragraph (2) to the extent the activity would meet the criteria described in that paragraph in the absence of the involvement of the NIOC or the NITC.

(D) Definitions

In this paragraph:

(i) NIOC

The term “NIOC” means the National Iranian Oil Company.

(ii) NITC

The term “NITC” means the National Iranian Tanker Company.

(d) Penalties for domestic financial institutions for actions of persons owned or controlled by such financial institutions

(1) In general

Not later than 90 days after July 1, 2010, the Secretary of the Treasury shall prescribe regulations to prohibit any person owned or controlled by a domestic financial institution from knowingly engaging in a transaction or transactions with or benefitting Iran’s Revolutionary Guard Corps or any of its agents or af-

filiates whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(2) Penalties

The penalties provided for in section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) shall apply to a domestic financial institution to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act if—

(A) a person owned or controlled by the domestic financial institution violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) of this subsection; and

(B) the domestic financial institution knew or should have known that the person violated, attempted to violate, conspired to violate, or caused a violation of such regulations.

(e) Requirements for financial institutions maintaining accounts for foreign financial institutions

(1) In general

The Secretary of the Treasury shall prescribe regulations to require a domestic financial institution maintaining a correspondent account or payable-through account in the United States for a foreign financial institution to do one or more of the following:

(A) Perform an audit of activities described in subsection (c)(2) that may be carried out by the foreign financial institution.

(B) Report to the Department of the Treasury with respect to transactions or other financial services provided with respect to any such activity.

(C) Certify, to the best of the knowledge of the domestic financial institution, that the foreign financial institution is not knowingly engaging in any such activity.

(D) Establish due diligence policies, procedures, and controls, such as the due diligence policies, procedures, and controls described in section 5318(i) of title 31, reasonably designed to detect whether the Secretary of the Treasury has found the foreign financial institution to knowingly engage in any such activity.

(2) Penalties

The penalties provided for in sections 5321(a) and 5322 of title 31 shall apply to a person that violates a regulation prescribed under paragraph (1) of this subsection, in the same manner and to the same extent as such penalties would apply to any person that is otherwise subject to such section 5321(a) or 5322.

(f) Waiver

The Secretary of the Treasury may waive the application of a prohibition or condition imposed with respect to a foreign financial institution pursuant to subsection (c) or section 8513b of this title or the imposition of a penalty under subsection (d) with respect to a domestic financial institution on and after the date that is 30 days after the Secretary—

(1) determines that such a waiver is necessary to the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(g) Procedures for judicial review of classified information

(1) In general

If a finding under paragraph (1) or (4) of subsection (c) or section 8513b of this title, a prohibition, condition, or penalty imposed as a result of any such finding, or a penalty imposed under subsection (d), is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the Secretary of the Treasury may submit such information to the court *ex parte* and *in camera*.

(2) Rule of construction

Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under paragraph (1) or (4) of subsection (c) or section 8513b of this title, any prohibition, condition, or penalty imposed as a result of any such finding, or any penalty imposed under subsection (d).

(h) Consultations in implementation of regulations

In implementing this section and the regulations prescribed under this section, the Secretary of the Treasury—

(1) shall consult with the Secretary of State; and

(2) may, in the sole discretion of the Secretary of the Treasury, consult with such other agencies and departments and such other interested parties as the Secretary considers appropriate.

(i) Definitions

(1) In general

In this section:

(A) Account; correspondent account; payable-through account

The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31.

(B) Agent

The term “agent” includes an entity established by a person for purposes of conducting transactions on behalf of the person in order to conceal the identity of the person.

(C) Financial institution

The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31.

(D) Foreign financial institution; domestic financial institution

The terms “foreign financial institution” and “domestic financial institution” shall

have the meanings of those terms as determined by the Secretary of the Treasury.

(E) Money laundering

The term “money laundering” means the movement of illicit cash or cash equivalent proceeds into, out of, or through a country, or into, out of, or through a financial institution.

(2) Other definitions

The Secretary of the Treasury may further define the terms used in this section in the regulations prescribed under this section.

(Pub. L. 111–195, title I, §104, July 1, 2010, 124 Stat. 1331; Pub. L. 112–158, title II, §§214(a), 215(a), title III, §312(b), (c), Aug. 10, 2012, 126 Stat. 1231, 1249.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsecs. (c)(2)(E) and (d)(1), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

The Classified Information Procedures Act, referred to in subsec. (g)(1), is 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

2012—Subsec. (c)(2)(B). Pub. L. 112–158, §214(a), substituted “of—” for “of”, inserted cl. (i) designation before “a person subject”, and added cl. (ii).

Subsec. (c)(2)(E)(ii). Pub. L. 112–158, §215(a), substituted “person” for “financial institution” in introductory provisions.

Subsec. (c)(4). Pub. L. 112–158, §312(b), added par. (4).

Subsec. (f). Pub. L. 112–158, §312(c)(1), inserted “or section 8513b of this title” after “subsection (c)” in introductory provisions.

Subsec. (g). Pub. L. 112–158, §312(c)(2), substituted “paragraph (1) or (4) of subsection (c) or section 8513b of this title” for “subsection (c)(1)” in pars. (1) and (2).

REGULATIONS

Pub. L. 112–158, title II, §214(b), Aug. 10, 2012, 126 Stat. 1231, provided that: “Not later than 90 days after the date of the enactment of this Act [Aug. 10, 2012], the Secretary of the Treasury shall make such revisions to the regulations prescribed under section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) as are necessary to carry out the amendments made by subsection (a) [amending this section].”

Pub. L. 112–158, title II, §215(b), Aug. 10, 2012, 126 Stat. 1231, provided that: “Not later than 90 days after the date of the enactment of this Act [Aug. 10, 2012], the Secretary of the Treasury shall make such revisions to the regulations prescribed under section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) as are necessary to carry out the amendment made by subsection (a) [amending this section].”

EXCEPTION TO SANCTIONS REGARDING NATIONAL IRANIAN OIL COMPANY AND NATIONAL IRANIAN TANKER COMPANY

Pub. L. 112–158, title III, §312(d), Aug. 10, 2012, 126 Stat. 1250, provided that:

“(1) IN GENERAL.—If an exception to sanctions described in clause (i) or (ii) of paragraph (4)(C) of section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 [22 U.S.C. 8513(c)], as added by subsection (b), applies to a person that engages in a transaction described in paragraph (2) at the time of the transaction, the President is authorized not to impose sanctions with respect to the transaction under—

“(A) section 302(b)(1) [22 U.S.C. 8742(b)(1)];

“(B) section 104A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 [22 U.S.C. 8513b], as added by section 216; or

“(C) any other applicable provision of law authorizing the imposition of sanctions with respect to Iran.”

“(2) TRANSACTION DESCRIBED.—A transaction described in this paragraph is a transaction—

“(A) solely for the purchase of petroleum or petroleum products from Iran; and

“(B) for which sanctions may be imposed solely as a result of the involvement of the National Iranian Oil Company or the National Iranian Tanker Company in the transaction under—

“(i) section 302(b)(1);

“(ii) section 104A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by section 216; or

“(iii) any other applicable provision of law authorizing the imposition of sanctions with respect to Iran.”

§ 8513a. Imposition of sanctions with respect to the financial sector of Iran

(a) Findings

Congress makes the following findings:

(1) On November 21, 2011, the Secretary of the Treasury issued a finding under section 5318A of title 31 that identified Iran as a jurisdiction of primary money laundering concern.

(2) In that finding, the Financial Crimes Enforcement Network of the Department of the Treasury wrote, “The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to these banks in 2011. In mid-2011, the CBI transferred several billion dollars to designated banks, including Saderat, Mellat, EDBI and Melli, through a variety of payment schemes. In making these transfers, the CBI attempted to evade sanctions by minimizing the direct involvement of large international banks with both CBI and designated Iranian banks.”

(3) On November 22, 2011, the Under Secretary of the Treasury for Terrorism and Financial Intelligence, David Cohen, wrote, “Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, as posing terrorist financing, proliferation financing, and money laundering risks for the global financial system.”

(b) Designation of financial sector of Iran as of primary money laundering concern

The financial sector of Iran, including the Central Bank of Iran, is designated as a primary money laundering concern for purposes of section 5318A of title 31 because of the threat to government and financial institutions resulting from the illicit activities of the Government of Iran, including its pursuit of nuclear weapons, support for international terrorism, and efforts to deceive responsible financial institutions and evade sanctions.

(c) Freezing of assets of Iranian financial institutions

The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of an Iranian financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) Imposition of sanctions with respect to the Central Bank of Iran and other Iranian financial institutions

(1) In general

Except as specifically provided in this subsection, beginning on the date that is 60 days after December 31, 2011, the President—

(A) shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted or facilitated any significant financial transaction with the Central Bank of Iran or another Iranian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(B) may impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

(2) Exception for sales of agricultural commodities, food, medicine, and medical devices

The President may not impose sanctions under paragraph (1) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran.

(3) Applicability of sanctions with respect to foreign central banks

Except as provided in paragraph (4), sanctions imposed under paragraph (1)(A) shall apply with respect to a central bank of a foreign country, only insofar as it engages in a financial transaction for the sale or purchase of petroleum or petroleum products to or from Iran conducted or facilitated on or after that date that is 180 days after December 31, 2011.

(4) Applicability of sanctions with respect to petroleum transactions

(A) Report required

Not later than October 25, 2012, and the last Thursday of every other month thereafter, the Administrator of the Energy Information Administration, in consultation with the Secretary of the Treasury, the Secretary of State, and the Director of National Intelligence, shall submit to Congress a report on the availability and price of petroleum and petroleum products produced in countries other than Iran in the 2-month period preceding the submission of the report.

(B) Determination required

Not later than 90 days after December 31, 2011, and every 180 days thereafter, the President shall make a determination, based on the reports required by subparagraph (A), of whether the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly in volume their purchases from Iran.

(C) Application of sanctions

Except as provided in subparagraph (D), sanctions imposed under paragraph (1)(A) shall apply with respect to a financial transaction conducted or facilitated by a foreign financial institution on or after the date that is 180 days after December 31, 2011, for the purchase of petroleum or petroleum products from Iran if the President determines pursuant to subparagraph (B) that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

(D) Exception**(i) In general**

Sanctions imposed pursuant to paragraph (1) shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if the President determines and reports to Congress, not later than 90 days after the date on which the President makes the determination required by subparagraph (B), and every 180 days thereafter, that the country with primary jurisdiction over the foreign financial institution—

(I) has significantly reduced reduced¹ its volume of crude oil purchases from Iran during the period beginning on the date on which the President submitted the last report with respect to the country under this subparagraph; or

(II) in the case of a country that has previously received an exception under this subparagraph, has, after receiving the exception, reduced its crude oil purchases from Iran to zero.

(ii) Financial transactions described

A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is only for trade in goods or services between the country with primary jurisdiction over the foreign financial institution and Iran; and

(II) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(5) Waiver

The President may waive the imposition of sanctions under paragraph (1) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is in the national security interest of the United States; and

(B) submits to Congress a report—

(i) providing a justification for the waiver;

(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to reduce significantly its purchases of petroleum and petroleum products from Iran; and

(iii) that includes any concrete cooperation the President has received or expects to receive as a result of the waiver.

(e) Multilateral diplomacy initiative**(1) In general**

The President shall—

(A) carry out an initiative of multilateral diplomacy to persuade countries purchasing oil from Iran—

(i) to limit the use by Iran of revenue from purchases of oil to purchases of non-luxury consumers goods from the country purchasing the oil; and

(ii) to prohibit purchases by Iran of—

(I) military or dual-use technology, including items—

(aa) in the Annex to the Missile Technology Control Regime Guidelines;

(bb) in the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris January 13, 1993, and entered into force April 29, 1997 (commonly known as the “Chemical Weapons Convention”);

(cc) in Part 1 or 2 of the Nuclear Suppliers Group Guidelines; or

(dd) on a control list of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; or

(II) any other item that could contribute to Iran’s conventional, nuclear, chemical, or biological weapons program; and

(B) conduct outreach to petroleum-producing countries to encourage those countries to increase their output of crude oil to ensure there is a sufficient supply of crude oil from countries other than Iran and to minimize any impact on the price of oil resulting from the imposition of sanctions under this section.

(2) Report required

Not later than 180 days after December 31, 2011, and every 180 days thereafter, the Presi-

¹ So in original.

dent shall submit to Congress a report on the efforts of the President to carry out the initiative described in paragraph (1)(A) and conduct the outreach described in paragraph (1)(B) and the results of those efforts.

(f) Form of reports

Each report submitted under this section shall be submitted in unclassified form, but may contain a classified annex.

(g) Implementation; penalties

(1) Implementation

The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) Penalties

The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(h) Definitions

In this section:

(1) Account; correspondent account; payable-through account

The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31.

(2) Foreign financial institution

The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 8513(i) of this title.

(3) Significant reductions

The terms “reduce significantly”, “significant reduction”, and “significantly reduced”, with respect to purchases from Iran of petroleum and petroleum products, include a reduction in such purchases in terms of price or volume toward a complete cessation of such purchases.

(4) United States person

The term “United States person” means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 1101(a) of title 8); and

(B) an entity that is organized under the laws of the United States or a jurisdiction within the United States.

(i) Termination

The provisions of this section shall terminate on the date that is 30 days after the date on which the President submits to Congress the certification described in section 8551(a) of this title.

(Pub. L. 112–81, div. A, title XII, § 1245, Dec. 31, 2011, 125 Stat. 1647; Pub. L. 112–158, title V,

§§ 503(a)(1), (b)(1), 504(a), Aug. 10, 2012, 126 Stat. 1260, 1261; Pub. L. 112–239, div. A, title XII, § 1250, Jan. 2, 2013, 126 Stat. 2016.)

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsecs. (c) and (d)(1), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2012, and not as part of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 which comprises this chapter.

AMENDMENTS

2013—Subsec. (d)(5)(B)(ii), (iii). Pub. L. 112–239 added cl. (ii) and redesignated former cl. (ii) as (iii).

2012—Subsec. (d)(2). Pub. L. 112–158, §503(a)(1), inserted “agricultural commodities,” after “sales of” in heading and after “sale of” in text.

Subsec. (d)(3). Pub. L. 112–158, §504(a)(1)(A), struck out “a foreign financial institution owned or controlled by the government of a foreign country, including” after “with respect to”.

Subsec. (d)(4)(A). Pub. L. 112–158, §503(b)(1), substituted “October 25, 2012, and the last Thursday of every other month thereafter” for “60 days after December 31, 2011, and every 60 days thereafter” and “2-month period” for “60-day period”.

Subsec. (d)(4)(D)(i). Pub. L. 112–158, §504(a)(1)(B)(i), (ii), designated existing provisions as cl. (i) and inserted cl. heading, substituted “a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution” for “a foreign financial institution” and “institution—” for “institution has significantly”, inserted subcl. (I) designation and “has significantly reduced” before “reduced its volume”, and added subcl. (II).

Subsec. (d)(4)(D)(ii). Pub. L. 112–158, §504(a)(1)(B)(iii), added cl. (ii).

Subsec. (h)(3), (4). Pub. L. 112–158, §504(a)(2), added par. (3) and redesignated former par. (3) as (4).

Subsec. (i). Pub. L. 112–158, §504(a)(3), added subsec. (i).

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–158, title V, §503(a)(2), Aug. 10, 2012, 126 Stat. 1261, provided that: “The amendments made by paragraph (1) [amending this section] shall take effect as if included in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1298).”

Pub. L. 112–158, title V, §503(b)(2), Aug. 10, 2012, 126 Stat. 1261, provided that: “The amendments made by paragraph (1) [amending this section] shall take effect on September 1, 2012.”

Pub. L. 112–158, title V, §504(b), Aug. 10, 2012, 126 Stat. 1262, provided that: “The amendments made by paragraphs (1) and (2) of subsection (a) [amending this section] shall apply with respect to financial transactions conducted or facilitated on or after the date that is 180 days after the date of the enactment of this Act [Aug. 10, 2012].”

DELEGATION OF FUNCTIONS

Ex. Ord. No. 13599, Feb. 5, 2012, 77 F.R. 6659, which is listed in a table under section 1701 of Title 50, War and National Defense, provided in section 10 that the Secretary of the Treasury, in consultation with the Secretary of State, is authorized to exercise the functions and authorities conferred upon the President by subsecs. (d)(1)(A) and (g)(1) of this section and to redele-

gate such functions and authorities consistent with applicable law; and provided in section 11 that the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Energy, and the Director of National Intelligence, is authorized to exercise the functions and authorities conferred upon the President by subsec. (d)(4)(D) of this section and that the Secretary of State, in consultation with the Secretary of the Treasury, is authorized to exercise the functions and authorities conferred upon the President by subsecs. (e)(1), (2) and (g)(1) of this section and to redelegate all such functions and authorities consistent with applicable law.

PRESIDENTIAL DETERMINATIONS RELATING TO
PETROLEUM OR PETROLEUM PRODUCTS FROM IRAN

The following Presidential Determinations related to the existence of sufficient supplies of petroleum and petroleum products from countries other than Iran pursuant to subsec. (d)(4)(B) and (C) of this section:

Determination of President of the United States, No. 2014-03, Nov. 29, 2013, 78 F.R. 76717.

Determination of President of the United States, No. 2013-10, June 5, 2013, 78 F.R. 35537.

Determination of President of the United States, No. 2013-03, Dec. 7, 2012, 77 F.R. 76213.

Determination of President of the United States, No. 2012-09, June 11, 2012, 77 F.R. 36387.

Determination of President of the United States, No. 2012-05, Mar. 30, 2012, 77 F.R. 21387.

§ 8513b. Expansion of, and reports on, mandatory sanctions with respect to financial institutions that engage in certain activities

(a) In general

Not later than 90 days after August 10, 2012, the Secretary of the Treasury shall revise the regulations prescribed under section 8513(c)(1) of this title to apply to a foreign financial institution described in subsection (b) to the same extent and in the same manner as those regulations apply to a foreign financial institution that the Secretary of the Treasury finds knowingly engages in an activity described in section 8513(c)(2) of this title.

(b) Foreign financial institutions described

A foreign financial institution described in this subsection is a foreign financial institution, including an Iranian financial institution, that the Secretary of the Treasury finds—

(1) knowingly facilitates, or participates or assists in, an activity described in section 8513(c)(2) of this title, including by acting on behalf of, at the direction of, or as an intermediary for, or otherwise assisting, another person with respect to the activity;

(2) attempts or conspires to facilitate or participate in such an activity; or

(3) is owned or controlled by a foreign financial institution that the Secretary finds knowingly engages in such an activity.

(c) Reports required

(1) In general

Not later than 180 days after August 10, 2012, and every 180 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that contains a detailed description of—

(A) the effect of the regulations prescribed under section 8513(c)(1) of this title on the financial system and economy of Iran and capital flows to and from Iran; and

(B) the ways in which funds move into and out of financial institutions described in section 8513(c)(2)(E)(ii) of this title, with specific attention to the use of other Iranian financial institutions and other foreign financial institutions to receive and transfer funds for financial institutions described in that section.

(2) Form of report

Each report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(d) Definitions

In this section:

(1) Financial institution

The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (R), or (Y) of section 5312(a)(2) of title 31.

(2) Foreign financial institution

The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 8513(i) of this title.

(3) Iranian financial institution

The term “Iranian financial institution” means—

(A) a financial institution organized under the laws of Iran or any jurisdiction within Iran, including a foreign branch of such an institution;

(B) a financial institution located in Iran;

(C) a financial institution, wherever located, owned or controlled by the Government of Iran; and

(D) a financial institution, wherever located, owned or controlled by a financial institution described in subparagraph (A), (B), or (C).

(Pub. L. 111-195, title I, §104A, as added Pub. L. 112-158, title II, §216(a), Aug. 10, 2012, 126 Stat. 1232.)

§ 8514. Imposition of sanctions on certain persons who are responsible for or complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran

(a) In general

The President shall impose sanctions described in subsection (c) with respect to each person on the list required by subsection (b).

(b) List of persons who are responsible for or complicit in certain human rights abuses

(1) In general

Not later than 90 days after July 1, 2010, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Iran or persons acting on behalf of that Government (including members of paramilitary organizations such as Ansar-e-Hezbollah and Basij-e Mostaz’afin), that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering,

controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009, regardless of whether such abuses occurred in Iran.

(2) Updates of list

The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

- (A) not later than 270 days after July 1, 2010, and every 180 days thereafter; and
- (B) as new information becomes available.

(3) Form of report; public availability

(A) Form

The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) Public availability

The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(4) Consideration of data from other countries and nongovernmental organizations

In preparing the list required by paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Iran, that monitor the human rights abuses of the Government of Iran.

(c) Sanctions described

The sanctions described in this subsection are ineligibility for a visa to enter the United States and sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation and importation of property, subject to such regulations as the President may prescribe, including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(d) Termination of sanctions

The provisions of this section shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of Iran has—

- (1) unconditionally released all political prisoners, including the citizens of Iran detained in the aftermath of the June 12, 2009, presidential election in Iran;
- (2) ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Iran while engaging in peaceful political activity;
- (3) conducted a transparent investigation into the killings, arrests, and abuse of peaceful political activists that occurred in the aftermath of the June 12, 2009, presidential election in Iran and prosecuted the individuals responsible for such killings, arrests, and abuse; and

(4) made public commitments to, and is making demonstrable progress toward—

- (A) establishing an independent judiciary; and
- (B) respecting the human rights and basic freedoms recognized in the Universal Declaration of Human Rights.

(Pub. L. 111–195, title I, §105, July 1, 2010, 124 Stat. 1335.)

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (c), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

DELEGATION OF FUNCTIONS

Ex. Ord. No. 13553, §§5–7, Sept. 28, 2010, 75 F.R. 60568, 60569, authorized the Secretary of the Treasury, in consultation with the Secretary of State, to employ all powers granted to the President by subsecs. (a) to (c) of this section and to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of Ex. Ord. No. 13553, except that (1) the Secretary of State is authorized to exercise the functions and authorities conferred upon the President by subsec. (a) with respect to imposition of the visa sanctions described in subsec. (c) and is further authorized to exercise the functions and authorities conferred upon the President by subsec. (c) with respect to the promulgation of rules and regulations related to the visa sanctions described therein; and (2) the Secretary of State, in consultation with the Secretary of the Treasury, is authorized to submit to Congress, as required by subsec. (b), the initial and updated lists of persons subject to visa sanctions and blockage of property pursuant to Ex. Ord. No. 13553.

§ 8514a. Imposition of sanctions with respect to the transfer of goods or technologies to Iran that are likely to be used to commit human rights abuses

(a) In general

The President shall impose sanctions in accordance with subsection (c) with respect to each person on the list required by subsection (b).

(b) List

(1) In general

Not later than 90 days after August 10, 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have knowingly engaged in an activity described in paragraph (2) on or after August 10, 2012.

(2) Activity described

(A) In general

A person engages in an activity described in this paragraph if the person—

- (i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) to Iran, any entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran, or any national of Iran, for use in or with respect to Iran; or
- (ii) provides services (including services relating to hardware, software, and spe-

cialized information, and professional consulting, engineering, and support services) with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Iran.

(B) Applicability to contracts and other agreements

A person engages in an activity described in subparagraph (A) without regard to whether the activity is carried out pursuant to a contract or other agreement entered into before, on, or after August 10, 2012.

(C) Goods or technologies described

Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Iran or any of its agencies or instrumentalities (or by any other person on behalf of the Government of Iran or any of such agencies or instrumentalities) to commit serious human rights abuses against the people of Iran, including—

(i) firearms or ammunition (as those terms are defined in section 921 of title 18), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; or

(ii) sensitive technology (as defined in section 8515(c) of this title).

(3) Special rule to allow for termination of sanctionable activity

The President shall not be required to include a person on the list required by paragraph (1) if the President certifies in writing to the appropriate congressional committees that—

(A) the person is no longer engaging in, or has taken significant verifiable steps toward stopping, the activity described in paragraph (2) for which the President would otherwise have included the person on the list; and

(B) the President has received reliable assurances that the person will not knowingly engage in any activity described in paragraph (2) in the future.

(4) Updates of list

The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) each time the President is required to submit an updated list to those committees under section 8514(b)(2)(A) of this title; and

(B) as new information becomes available.

(5) Form of report; public availability

(A) Form

The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) Public availability

The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(c) Application of sanctions

(1) In general

Subject to paragraph (2), the President shall impose sanctions described in section 8514(c) of this title with respect to a person on the list required by subsection (b).

(2) Transfers to Iran's Revolutionary Guard Corps

In the case of a person on the list required by subsection (b) for transferring, or facilitating the transfer of, goods or technologies described in subsection (b)(2)(C) to Iran's Revolutionary Guard Corps, or providing services with respect to such goods or technologies after such goods or technologies are transferred to Iran's Revolutionary Guard Corps, the President shall—

(A) impose sanctions described in section 8514(c) of this title with respect to the person; and

(B) impose such other sanctions from among the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) as the President determines appropriate.

(Pub. L. 111-195, title I, §105A, as added Pub. L. 112-158, title IV, §402(a), Aug. 10, 2012, 126 Stat. 1252.)

§ 8514b. Imposition of sanctions with respect to persons who engage in censorship or other related activities against citizens of Iran

(a) In general

The President shall impose sanctions described in section 8514(c) of this title with respect to each person on the list required by subsection (b).

(b) List of persons who engage in censorship

(1) In general

Not later than 90 days after August 10, 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after June 12, 2009, engaged in censorship or other activities with respect to Iran that—

(A) prohibit, limit, or penalize the exercise of freedom of expression or assembly by citizens of Iran; or

(B) limit access to print or broadcast media, including the facilitation or support of intentional frequency manipulation by the Government of Iran or an entity owned or controlled by that Government that would jam or restrict an international signal.

(2) Updates of list

The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) each time the President is required to submit an updated list to those committees under section 8514(b)(2)(A) of this title; and

(B) as new information becomes available.

(3) Form of report; public availability

(A) Form

The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) Public availability

The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(Pub. L. 111–195, title I, §105B, as added Pub. L. 112–158, title IV, §403(b), Aug. 10, 2012, 126 Stat. 1254.)

§ 8514c. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran**(a) Imposition of sanctions****(1) In general**

The President shall impose sanctions described in section 8514(c) of this title with respect to each person on the list required by subsection (b).

(2) Exception

The requirement to impose sanctions under paragraph (1) shall not include the authority to impose sanctions on the importation of goods.

(b) List of persons who engage in diversion**(1) In general**

As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after January 2, 2013, engaged in corruption or other activities relating to—

(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or

(B) the misappropriation of proceeds from the sale or resale of such goods.

(2) Form of report; public availability**(A) Form**

The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) Public availability

The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(c) Good defined

In this section, the term “good” has the meaning given that term in section 8801(a) of this title.

(Pub. L. 111–195, title I, §105C, as added Pub. L. 112–239, div. A, title XII, §1249(a), Jan. 2, 2013, 126 Stat. 2015.)

DELEGATION OF FUNCTIONS

For delegation of certain functions and authorities vested in the President by this section, see Memorandum of President of the United States, June 3, 2013, 78 F.R. 35545, set out as a note under section 8801 of this title.

§ 8515. Prohibition on procurement contracts with persons that export sensitive technology to Iran**(a) In general**

Except as provided in subsection (b), and pursuant to such regulations as the President may prescribe, the head of an executive agency may not enter into or renew a contract, on or after the date that is 90 days after July 1, 2010, for the procurement of goods or services with a person that exports sensitive technology to Iran.

(b) Authorization to exempt certain products

The President is authorized to exempt from the prohibition under subsection (a) only eligible products, as defined in section 2518(4) of title 19, of any foreign country or instrumentality designated under section 2511(b) of title 19.

(c) Sensitive technology defined**(1) In general**

The term “sensitive technology” means hardware, software, telecommunications equipment, or any other technology, that the President determines is to be used specifically—

(A) to restrict the free flow of unbiased information in Iran; or

(B) to disrupt, monitor, or otherwise restrict speech of the people of Iran.

(2) Exception

The term “sensitive technology” does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 1702(b)(3) of title 50.

(d) Government Accountability Office report on effect of procurement prohibition

Not later than 1 year after July 1, 2010, the Comptroller General of the United States shall submit to the appropriate congressional committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report assessing the extent to which executive agencies would have entered into or renewed contracts for the procurement of goods or services with persons that export sensitive technology to Iran if the prohibition under subsection (a) were not in effect.

(Pub. L. 111–195, title I, §106, July 1, 2010, 124 Stat. 1336.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Memorandum of President of the United States, Sept. 23, 2010, 75 F.R. 67025, set out as a note under section 8501 of this title.

§ 8516. Authority to implement United Nations Security Council resolutions imposing sanctions with respect to Iran

In addition to any other authority of the President with respect to implementing resolutions of the United Nations Security Council,

the President may prescribe such regulations as may be necessary to implement a resolution that is agreed to by the United Nations Security Council and imposes sanctions with respect to Iran.

(Pub. L. 111–195, title I, §108, July 1, 2010, 124 Stat. 1337.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

§ 8517. Increased capacity for efforts to combat unlawful or terrorist financing

(a) Findings

Congress finds the following:

(1) The work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(2) The Secretary of the Treasury has designated, including most recently on June 16, 2010, various Iranian individuals and banking, military, energy, and shipping entities as proliferators of weapons of mass destruction pursuant to Executive Order 13382 (50 U.S.C. 1701 note), thereby blocking transactions subject to the jurisdiction of the United States by those individuals and entities and their supporters.

(3) The Secretary of the Treasury has also identified an array of entities in the insurance, petroleum, and petrochemicals industries that the Secretary has determined to be owned or controlled by the Government of Iran and added those entities to the list contained in Appendix A to part 560 of title 31, Code of Federal Regulations (commonly known as the “Iranian Transactions Regulations”), thereby prohibiting transactions between United States persons and those entities.

(b) Authorization of appropriations for Office of Terrorism and Financial Intelligence

There are authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(1) \$102,613,000 for fiscal year 2011; and

(2) such sums as may be necessary for each of the fiscal years 2012 and 2013.

(c) Omitted

(d) Authorization of appropriations for Bureau of Industry and Security of the Department of Commerce

There are authorized to be appropriated to the Secretary of Commerce for the Bureau of Industry and Security of the Department of Commerce—

(1) \$113,000,000 for fiscal year 2011; and

(2) such sums as may be necessary for each of the fiscal years 2012 and 2013.

(Pub. L. 111–195, title I, §109, July 1, 2010, 124 Stat. 1338.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

CODIFICATION

Section is comprised of section 109 of Pub. L. 111–195. Subsec. (c) of section 109 of Pub. L. 111–195 amended section 310 of Title 31, Money and Finance.

§ 8518. Reports on investments in the energy sector of Iran

(a) Initial report

(1) In general

Not later than 90 days after July 1, 2010, the President shall submit to the appropriate congressional committees a report—

(A) on investments in the energy sector of Iran that were made during the period described in paragraph (2); and

(B) that contains—

(i) an estimate of the volume of energy-related resources (other than refined petroleum), including ethanol, that Iran imported during the period described in paragraph (2); and

(ii) a list of all significant known energy-related joint ventures, investments, and partnerships located outside Iran that involve Iranian entities in partnership with entities from other countries, including an identification of the entities from other countries; and

(iii) an estimate of—

(I) the total value of each such joint venture, investment, and partnership; and

(II) the percentage of each such joint venture, investment, and partnership owned by an Iranian entity.

(2) Period described

The period described in this paragraph is the period beginning on January 1, 2006, and ending on the date that is 60 days after July 1, 2010.

(b) Updated reports

Not later than 180 days after submitting the report required by subsection (a), and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report, covering the 180-day period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section, that—

(1) contains the matters required in the report under subsection (a)(1); and

(2) identifies—

(A) the volume of crude oil and refined petroleum products imported to and exported from Iran (including through swaps and similar arrangements);

(B) the persons selling and transporting crude oil and refined petroleum products described in subparagraph (A), the countries with primary jurisdiction over those persons, and the countries in which those products were refined;

(C) the sources of financing for imports to Iran of crude oil and refined petroleum products described in subparagraph (A); and

(D) the involvement of foreign persons in efforts to assist Iran in—

- (i) developing upstream oil and gas production capacity;
- (ii) importing advanced technology to upgrade existing Iranian refineries;
- (iii) converting existing chemical plants to petroleum refineries; or
- (iv) maintaining, upgrading, or expanding existing refineries or constructing new refineries.

(Pub. L. 111–195, title I, §110, July 1, 2010, 124 Stat. 1338; Pub. L. 112–158, title II, §224, Aug. 10, 2012, 126 Stat. 1240.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

AMENDMENTS

2012—Subsec. (b). Pub. L. 112–158 substituted “a report, covering the 180-day period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section, that—” for “a report containing the matters required in the report under subsection (a)(1) for the 180-day period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section.” and added pars. (1) and (2).

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State, see Memorandum of President of the United States, Sept. 23, 2010, 75 F.R. 67025, set out as a note under section 8501 of this title.

§ 8519. Reports on certain activities of foreign export credit agencies and of the Export-Import Bank of the United States

(a) Report on certain activities of export credit agencies of foreign countries

(1) In general

Not later than 90 days after July 1, 2010, the President shall submit to the appropriate congressional committees a report on any activity of an export credit agency of a foreign country that is an activity comparable to an activity described in subsection (a) or (b) of section 5 of the Iran Sanctions Act of 1996, as amended by section 102 of this Act.

(2) Updates

The President shall update the report required by paragraph (1) as new information becomes available with respect to the activities of export credit agencies of foreign countries.

(b) Report on certain financing by the Export-Import Bank of the United States

Not later than 30 days (or, in extraordinary circumstances, not later than 15 days) before the Export-Import Bank of the United States approves cofinancing (including loans, guarantees, other credits, insurance, and reinsurance) in which an export credit agency of a foreign country identified in the report required by subsection (a) will participate, the President shall submit to the appropriate congressional committees a report identifying—

- (1) the export credit agency of the foreign country; and
- (2) the beneficiaries of the financing.

(Pub. L. 111–195, title I, §111, July 1, 2010, 124 Stat. 1339.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

REFERENCES IN TEXT

Section 5 of the Iran Sanctions Act of 1996, as amended by section 102 of this Act, referred to in subsec. (a)(1), is section 5 of Pub. L. 104–172, as amended by section 102 of Pub. L. 111–195, which is set out as a note under section 1701 of Title 50, War and National Defense.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Memorandum of President of the United States, Sept. 23, 2010, 75 F.R. 67025, set out as a note under section 8501 of this title.

SUBCHAPTER II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

§ 8531. Definitions

In this subchapter:

(1) Energy sector of Iran

The term “energy sector of Iran” refers to activities to develop petroleum or natural gas resources or nuclear power in Iran.

(2) Financial institution

The term “financial institution” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) Iran

The term “Iran” includes the Government of Iran and any agency or instrumentality of Iran.

(4) Person

The term “person” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or 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 262r(c)(3) of this title); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

(5) State

The term “State” means each of 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.

(6) 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 of a State or locality; 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.).

(Pub. L. 111-195, title II, §201, July 1, 2010, 124 Stat. 1341.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning Pub. L. 111-195, title II, July 1, 2010, 124 Stat. 1341, which enacted this subchapter, amended section 80a-13 of Title 15, Commerce and Trade, enacted provisions set out as notes under section 80a-13 of Title 15, and amended provisions set out as a note under section 1701 of Title 50, War and National Defense. For complete classification of title II to the Code, see Tables.

The Higher Education Act of 1965, referred to in par. (6)(D), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of Title 20, Education, and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

§ 8532. Authority of State and local governments to divest from certain companies that invest in Iran

(a) Sense of Congress

It is the sense of Congress that the United States should support the decision of any State or local government that for moral, prudential, or reputational reasons divests from, or prohibits the investment of assets of the State or local government in, a person that engages in investment activities in the energy sector of Iran, as long as Iran is subject to economic sanctions imposed by the United States.

(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 (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) Investment activities described

A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of \$20,000,000 or more in the energy sector of Iran, including in a person that provides oil or liquified natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquified natural gas, for the energy sector of Iran; or

(2) is a financial institution that extends \$20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit for investment in the energy sector of Iran.

(d) 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 to each person to which 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) Opportunity for hearing

The State or local government shall provide an opportunity to comment in writing to each person to which a measure is to be applied. If the person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(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 engages in investment activities in Iran described in subsection (c).

(e) 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.

(f) Nonpreemption

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

(g) Definitions

In this section:

(1) 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.).

(2) Investment

The “investment” includes—

(A) a commitment or contribution of funds or property;

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

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

(h) Effective date**(1) In general**

Except as provided in paragraph (2) or subsection (i), this section applies to measures adopted by a State or local government before, on, or after July 1, 2010.

(2) Notice requirements

Except as provided in subsection (i), subsections (d) and (e) apply to measures adopted by a State or local government on or after July 1, 2010.

(i) Authorization for prior enacted measures**(1) In general**

Notwithstanding any other provision of this section or any other provision of law, a State or local government may enforce a measure (without regard to the requirements of subsection (d), except as provided in paragraph (2)) adopted by the State or local government before July 1, 2010, that provides for the divestment of assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran (determined without regard to subsection (c)) or other business activities in Iran that are identified in the measure.

(2) Application of notice requirements

A measure described in paragraph (1) shall be subject to the requirements of paragraphs (1) and (2) and the first sentence of paragraph (3) of subsection (d) on and after the date that is 2 years after July 1, 2010.

(j) Rule of construction

Nothing in this Act or any other provision of law authorizing sanctions with respect to Iran shall be construed to abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the Act of March 9, 1945 (15 U.S.C. 1011 et seq.) (commonly known as the “McCarran-Ferguson Act”).

(Pub. L. 111–195, title II, §202, July 1, 2010, 124 Stat. 1342; Pub. L. 112–158, title II, §222(b), Aug. 10, 2012, 126 Stat. 1239.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

REFERENCES IN TEXT

The Employee Retirement Income Security Act of 1974, referred to in subsec. (g)(1)(B), is Pub. L. 93–406, Sept. 2, 1974, 88 Stat. 829. Title I of the Act is classified generally to subchapter I (§1001 et seq.) of chapter 18 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 29 and Tables.

This Act, referred to in subsec. (j), is Pub. L. 111–195, July 1, 2010, 124 Stat. 1312, which enacted this chapter, amended sections 287c, 2778, and 2780 of this title, section 80a–13 of Title 15, Commerce and Trade, section 310 of Title 31, Money and Finance, and section 16 of the Appendix to Title 50, War and National Defense, enacted provisions set out as notes under section 80a–13 of Title 15 and section 1701 of Title 50, and amended provi-

sions set out as notes under section 1701 of Title 50. For complete classification of this Act to the Code, see Short Title note set out under section 8501 of this title and Tables.

Act of March 9, 1945, referred to in subsec. (j), is act Mar. 9, 1945, ch. 20, 59 Stat. 33, popularly known as the McCarran-Ferguson Act, which is classified generally to chapter 20 (§ 1011 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1011 of Title 15 and Tables.

AMENDMENTS

2012—Subsec. (j). Pub. L. 112–158 added subsec. (j).

SUBCHAPTER III—PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN

§ 8541. Definitions

In this subchapter:

(1) Allow

The term “allow”, with respect to the diversion through a country of goods, services, or technologies, means the government of the country knows or has reason to know that the territory of the country is being used for such diversion.

(2) 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 Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Commerce Control List

The term “Commerce Control List” means the list maintained pursuant to part 774 of the Export Administration Regulations (or any corresponding similar regulation or ruling).

(4) Divert; diversion

The terms “divert” and “diversion” refer to the transfer or release, directly or indirectly, of a good, service, or technology to an end-user or an intermediary that is not an authorized recipient of the good, service, or technology.

(5) End-user

The term “end-user”, with respect to a good, service, or technology, means the person that receives and ultimately uses the good, service, or technology.

(6) Export Administration Regulations

The term “Export Administration Regulations” means subchapter C of chapter VII of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(7) Government

The term “government” includes any agency or instrumentality of a government.

(8) Intermediary

The term “intermediary” means a person that receives a good, service, or technology while the good, service, or technology is in

transit to the end-user of the good, service, or technology.

(9) International Traffic in Arms Regulations

The term “International Traffic in Arms Regulations” means subchapter M of chapter I of title 22, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(10) Iran

The term “Iran” includes the Government of Iran and any agency or instrumentality of Iran.

(11) Iranian end-user

The term “Iranian end-user” means an end-user that is the Government of Iran or a person in, or an agency or instrumentality of, Iran.

(12) Iranian intermediary

The term “Iranian intermediary” means an intermediary that is the Government of Iran or a person in, or an agency or instrumentality of, Iran.

(13) State sponsor of terrorism

The term “state sponsor of terrorism” means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

- (A) section 2405(j)(1)(A) of the Appendix to title 50 (or any successor thereto);
- (B) section 2780(d) of this title; or
- (C) section 2371(a) of this title.

(14) United States Munitions List

The term “United States Munitions List” means the list maintained pursuant to part 121 of the International Traffic in Arms Regulations (or any corresponding similar regulation or ruling).

(Pub. L. 111–195, title III, §301, July 1, 2010, 124 Stat. 1345.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

§ 8542. Identification of countries of concern with respect to the diversion of certain goods, services, and technologies to or through Iran

(a) In general

Not later than 180 days after July 1, 2010, the Director of National Intelligence shall submit to the President, the Secretary of Defense, the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies each country the government of which the Director believes, based on all information available to the Director, is allowing the diversion through the country of goods, services, or technologies described in subsection (b) to Iranian end-users or Iranian intermediaries.

(b) Goods, services, and technologies described

Goods, services, or technologies described in this subsection are goods, services, or technologies—

(1) that—

- (A) originated in the United States;
- (B) would make a material contribution to Iran’s—

- (i) development of nuclear, chemical, or biological weapons;
- (ii) ballistic missile or advanced conventional weapons capabilities; or
- (iii) support for international terrorism; and

(C) are—

- (i) items on the Commerce Control List or services related to those items; or
- (ii) defense articles or defense services on the United States Munitions List; or

(2) that are prohibited for export to Iran under a resolution of the United Nations Security Council.

(c) Updates

The Director of National Intelligence shall update the report required by subsection (a)—

- (1) as new information becomes available; and
- (2) not less frequently than annually.

(d) Form

The report required by subsection (a) and the updates required by subsection (c) may be submitted in classified form.

(Pub. L. 111–195, title III, §302, July 1, 2010, 124 Stat. 1346.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

§ 8543. Destinations of Diversion Concern

(a) Designation

(1) In general

The President shall designate a country as a Destination of Diversion Concern if the President determines that the government of the country allows substantial diversion of goods, services, or technologies described in section 8542(b) of this title through the country to Iranian end-users or Iranian intermediaries.

(2) Determination of substantial

For purposes of paragraph (1), the President shall determine whether the government of a country allows substantial diversion of goods, services, or technologies described in section 8542(b) of this title through the country to Iranian end-users or Iranian intermediaries based on criteria that include—

(A) the volume of such goods, services, and technologies that are diverted through the country to such end-users or intermediaries;

(B) the inadequacy of the export controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control the diversion of such goods, services, and technologies to such end-users or intermediaries; and

(D) the unwillingness or inability of the government of the country to cooperate with the United States in efforts to interdict the diversion of such goods, services, or technologies to such end-users or intermediaries.

(b) Report on designation

Upon designating a country as a Destination of Diversion Concern under subsection (a), the President shall submit to the appropriate congressional committees a report—

- (1) notifying those committees of the designation of the country; and
- (2) containing a list of the goods, services, and technologies described in section 8542(b) of this title that the President determines are diverted through the country to Iranian end-users or Iranian intermediaries.

(c) Licensing requirement

Not later than 45 days after submitting a report required by subsection (b) with respect to a country designated as a Destination of Diversion Concern under subsection (a), the President shall require a license under the Export Administration Regulations or the International Traffic in Arms Regulations (whichever is applicable) to export to that country a good, service, or technology on the list required under subsection (b)(2), with the presumption that any application for such a license will be denied.

(d) Delay of imposition of licensing requirement**(1) In general**

The President may delay the imposition of the licensing requirement under subsection (c) with respect to a country designated as a Destination of Diversion Concern under subsection (a) for a 12-month period if the President—

- (A) determines that the government of the country is taking steps—
 - (i) to institute an export control system or strengthen the export control system of the country;
 - (ii) to interdict the diversion of goods, services, or technologies described in section 8542(b) of this title through the country to Iranian end-users or Iranian intermediaries; and
 - (iii) to comply with and enforce United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1929 (2010), and any other resolution that is agreed to by the Security Council and imposes sanctions with respect to Iran;

(B) determines that it is appropriate to carry out government-to-government activities to strengthen the export control system of the country; and

(C) submits to the appropriate congressional committees a report describing the steps specified in subparagraph (A) being taken by the government of the country.

(2) Additional 12-month periods

The President may delay the imposition of the licensing requirement under subsection (c) with respect to a country designated as a Destination of Diversion Concern under subsection (a) for additional 12-month periods after the 12-month period referred to in paragraph (1) if the President, for each such 12-month period—

- (A) makes the determinations described in subparagraphs (A) and (B) of paragraph (1) with respect to the country; and

(B) submits to the appropriate congressional committees an updated version of the report required by subparagraph (C) of paragraph (1).

(3) Strengthening export control systems

If the President determines under paragraph (1)(B) that it is appropriate to carry out government-to-government activities to strengthen the export control system of a country designated as a Destination of Diversion Concern under subsection (a), the United States shall initiate government-to-government activities that may include—

(A) cooperation by agencies and departments of the United States with counterpart agencies and departments in the country—

- (i) to develop or strengthen the export control system of the country;
- (ii) to strengthen cooperation among agencies of the country and with the United States and facilitate enforcement of the export control system of the country; and
- (iii) to promote information and data exchanges among agencies of the country and with the United States;

(B) training officials of the country to strengthen the export control systems of the country—

- (i) to facilitate legitimate trade in goods, services, and technologies; and
- (ii) to prevent terrorists and state sponsors of terrorism, including Iran, from obtaining nuclear, biological, and chemical weapons, defense technologies, components for improvised explosive devices, and other defense articles; and

(C) encouraging the government of the country to participate in the Proliferation Security Initiative, such as by entering into a ship boarding agreement pursuant to the Initiative.

(e) Termination of designation

The designation of a country as a Destination of Diversion Concern under subsection (a) shall terminate on the date on which the President determines, and certifies to the appropriate congressional committees, that the country has adequately strengthened the export control system of the country to prevent the diversion of goods, services, and technologies described in section 8542(b) of this title to Iranian end-users or Iranian intermediaries.

(f) Form of reports

A report required by subsection (b) or (d) may be submitted in classified form.

(Pub. L. 111-195, title III, §303, July 1, 2010, 124 Stat. 1347.)

TERMINATION OF SECTION

For termination of section, see section 8551(a) of this title.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Memorandum of President of the United States, Sept. 23, 2010, 75 F.R. 67025, set out as a note under section 8501 of this title.

§ 8544. Enforcement authority

The Secretary of Commerce may designate any employee of the Office of Export Enforcement of the Department of Commerce to conduct activities specified in clauses (i), (ii), and (iii) of section 12(a)(3)(B) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(a)(3)(B)) when the employee is carrying out activities to enforce—

(1) the provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);)

(2) the provisions of this subchapter, or any other provision of law relating to export controls, with respect to which the Secretary of Commerce has enforcement responsibility; or

(3) any license, order, or regulation issued under—

(A) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);) or

(B) a provision of law referred to in paragraph (2).

(Pub. L. 111–195, title III, §305, July 1, 2010, 124 Stat. 1349.)

REFERENCES IN TEXT

The Export Administration Act of 1979, referred to in pars. (1) and (3)(A), is Pub. L. 96–72, Sept. 29, 1979, 93 Stat. 503, which is classified principally to section 2401 et seq. of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 2401 of Title 50, Appendix, and Tables.

The International Emergency Economic Powers Act, referred to in pars. (1) and (3)(A), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

SUBCHAPTER IV—GENERAL PROVISIONS

§ 8551. General provisions**(a) Sunset**

The provisions of this Act (other than sections 105 and 305 [22 U.S.C. 8514, 8544] and the amendments made by sections 102, 107, 109, and 205) shall terminate, and section 80a–13(c)(1)(B) of title 15, as added by section 203(a), shall cease to be effective, on the date that is 30 days after the date on which the President certifies to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism (as defined in section 301 [22 U.S.C. 8541]) under—

(A) section 2405(j)(1)(A) of the Appendix to title 50 (or any successor thereto);

(B) section 2780(d) of this title; or

(C) section 2371(a) of this title; and

(2) Iran has ceased the pursuit, acquisition, and development of, and verifiably dismantled its, nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

(b) Presidential waivers**(1) In general**

The President may waive the application of sanctions under section 103(b) [22 U.S.C. 8512(b)], the requirement to impose or maintain sanctions with respect to a person under section 105(a) [22 U.S.C. 8514(a)], 105A(a) [22 U.S.C. 8514a(a)], 105B(a) [22 U.S.C. 8514b(a)], or 105C(a) [22 U.S.C. 8514c(a)], the requirement to include a person on the list required by section 105(b) [22 U.S.C. 8514(b)], 105A(b) [22 U.S.C. 8514a(b)], 105B(b) [22 U.S.C. 8514b(b)], or 105C(b) [22 U.S.C. 8514c(b)], the application of the prohibition under section 106(a) [22 U.S.C. 8515(a)], or the imposition of the licensing requirement under section 303(c) [22 U.S.C. 8543(c)] with respect to a country designated as a Destination of Diversion Concern under section 303(a) [22 U.S.C. 8543(a)], if the President determines that such a waiver is in the national interest of the United States.

(2) Reports**(A) In general**

If the President waives the application of a provision pursuant to paragraph (1), the President shall submit to the appropriate congressional committees a report describing the reasons for the waiver.

(B) Special rule for report on waiving imposition of licensing requirement under section 303(c)

In any case in which the President waives, pursuant to paragraph (1), the imposition of the licensing requirement under section 303(c) [22 U.S.C. 8543(c)] with respect to a country designated as a Destination of Diversion Concern under section 303(a) [22 U.S.C. 8543(a)], the President shall include in the report required by subparagraph (A) of this paragraph an assessment of whether the government of the country is taking the steps described in subparagraph (A) of section 303(d)(1) [22 U.S.C. 8543(d)(1)(A)].

(c) Authorizations of appropriations**(1) Authorization of appropriations for the Department of State and the Department of the Treasury**

There are authorized to be appropriated to the Secretary of State and to the Secretary of the Treasury such sums as may be necessary to implement the provisions of, and amendments made by, titles I and III of this Act [22 U.S.C. 8511 et seq., 8541 et seq.].

(2) Authorization of appropriations for the Department of Commerce

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out title III [22 U.S.C. 8541 et seq.].

(Pub. L. 111–195, title IV, §401, July 1, 2010, 124 Stat. 1350; Pub. L. 112–158, title IV, §403(d), title VI, §605(b), Aug. 10, 2012, 126 Stat. 1255, 1265; Pub. L. 112–239, div. A, title XII, §1249(b), Jan. 2, 2013, 126 Stat. 2016.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (c)(1), is Pub. L. 111–195, July 1, 2010, 124 Stat. 1312, known as the

Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, which enacted this chapter, amended sections 287c, 2778, and 2780 of this title, section 80a–13 of Title 15, Commerce and Trade, section 310 of Title 31, Money and Finance, and section 16 of the Appendix to Title 50, War and National Defense, enacted provisions set out as notes under section 80a–13 of Title 15 and section 1701 of Title 50, and amended provisions set out as notes under section 1701 of Title 50, Title I of the Act enacted subchapter I of this chapter, amended sections 287c, 2778, and 2780 of this title, section 310 of Title 31, and section 16 of the Appendix to Title 50, enacted provisions set out as a note under section 1701 of Title 50, and amended provisions set out as a note under section 1701 of Title 50, Title III of the Act enacted subchapter III of this chapter. Section 102 of the Act enacted and amended provisions set out as notes under section 1701 of Title 50. Section 107 of the Act amended sections 287c, 2778, and 2780 of this title and section 16 of the Appendix to Title 50. Section 109 of the Act enacted section 8517 of this title and amended section 310 of Title 31. Section 205 of the Act amended section 80a–13 of Title 15, enacted provisions set out as a note under section 80a–13 of Title 15, and amended provisions set out as a note under section 1701 of Title 50. For complete classification of this Act to the Code, see Short Title note set out under section 8501 of this title and Tables.

AMENDMENTS

2013—Subsec. (b)(1). Pub. L. 112–239 substituted “105B(a), or 105C(a)” for “or 105B(a)” and “105B(b), or 105C(b)” for “or 105B(b)”.

2012—Subsec. (a)(2). Pub. L. 112–158, § 605(b), inserted “, and verifiably dismantled its,” after “development of”.

Subsec. (b)(1). Pub. L. 112–158, § 403(d), inserted “, 105A(a), or 105B(a)” after “105(a)” and “, 105A(b), or 105B(b)” after “105(b)”.

DELEGATION OF FUNCTIONS

Ex. Ord. No. 13553, §§ 5–7, Sept. 28, 2010, 77 Stat. 60568, 60569, authorized the Secretary of the Treasury, in consultation with the Secretary of State, to exercise the functions and waiver authorities conferred upon the President by subsec. (b) of this section with respect to the requirement to impose or maintain sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) under section 8514(a) of this title; authorized the Secretary of State, in consultation with the Secretary of Homeland Security on certain admissibility matters, to exercise the functions and waiver authorities conferred upon the President by subsec. (b) of this section with respect to the requirement to impose or maintain visa sanctions under section 8514(a) of this title; and authorized the Secretary of State, in consultation with the Secretary of the Treasury, to exercise the functions and waiver authorities conferred upon the President by subsec. (b) of this section with respect to the requirement to include a person on the list required by section 8514(b) of this title.

Other delegations of functions vested in the President by this section were contained in the following:

Memorandum of President of the United States, June 3, 2013, 78 F.R. 35545, set out as a note under section 8801 of this title.

Memorandum of President of the United States, Sept. 23, 2010, 75 F.R. 67025, set out as a note under section 8501 of this title.

CHAPTER 93—UNITED STATES-ISRAEL COOPERATION

Sec.	
8601.	Findings.
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8603.	United States actions to assist in the defense of Israel and protect United States interests.

Sec.	
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§ 8601. Findings

Congress makes the following findings:

(1) Since 1948, United States Presidents and both houses of Congress, on a bipartisan basis and supported by the American people, have repeatedly reaffirmed the special bond between the United States and Israel, based on shared values and shared interests.

(2) The Middle East is undergoing rapid change, bringing with it hope for an expansion of democracy but also great challenges to the national security of the United States and our allies in the region, particularly to our most important ally in the region, Israel.

(3) The Government of the Islamic Republic of Iran is continuing its decades-long pattern of seeking to foment instability and promote extremism in the Middle East, particularly in this time of dramatic political transition.

(4) At the same time, the Government of the Islamic Republic of Iran continues to enrich uranium in defiance of multiple United Nations Security Council resolutions.

(5) A nuclear-weapons capable Iran would fundamentally threaten vital United States interests, encourage regional nuclear proliferation, further empower Iran, the world’s leading state sponsor of terror, and pose a serious and destabilizing threat to Israel and the region.

(6) Over the past several years, with the assistance of the Governments of the Islamic Republic of Iran and Syria, Hizbollah and Hamas have increased their stockpile of rockets, with more than 60,000 now ready to be fired at Israel. The Government of the Islamic Republic of Iran continues to add to its arsenal of ballistic missiles and cruise missiles, which threaten Iran’s neighbors, Israel, and United States Armed Forces in the region.

(7) As a result, Israel is facing a fundamentally altered strategic environment.

(8) Pursuant to chapter 5 of title 1 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 576), the authority to make available loan guarantees to Israel is currently set to expire on September 30, 2012.

(Pub. L. 112–150, § 2, July 27, 2012, 126 Stat. 1146.)

SHORT TITLE

Pub. L. 112–150, § 1, July 27, 2012, 126 Stat. 1146, provided that: “This Act [enacting this chapter and amending section 2321h of this title] may be cited as the ‘United States-Israel Enhanced Security Cooperation Act of 2012.’”

§ 8602. Statement of policy

It is the policy of the United States:

(1) To reaffirm our unwavering commitment to the security of the State of Israel as a Jewish state. As President Barack Obama stated on December 16, 2011, “America’s commitment and my commitment to Israel and Israel’s security is unshakeable.” And as President George W. Bush stated before the Israeli Knesset on May 15, 2008, on the 60th anniversary