

8791, 8792, or 8793 of this title or to impose sanctions pursuant to any such section if the President—

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

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

(Pub. L. 112–158, title VII, §705, Aug. 10, 2012, 126 Stat. 1268.)

TERMINATION OF SECTION

For termination of section, see section 8795 of this title.

§ 8795. Termination

(a) In general

The provisions of this subchapter and any sanctions imposed pursuant to this subchapter shall terminate on the date on which the President submits to the appropriate congressional committees—

(1) the certification described in subsection (b); and

(2) a certification that—

(A) the Government of Syria is democratically elected and representative of the people of Syria; or

(B) a legitimate transitional government of Syria is in place.

(b) Certification described

A certification described in this subsection is a certification by the President that the Government of Syria—

(1) has unconditionally released all political prisoners;

(2) has ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Syria engaged in peaceful political activity;

(3) has ceased its practice of procuring sensitive technology designed to restrict the free flow of unbiased information in Syria, or to disrupt, monitor, or otherwise restrict the right of citizens of Syria to freedom of expression;

(4) has ceased providing support for foreign terrorist organizations and no longer allows such organizations, including Hamas, Hezbollah, and Palestinian Islamic Jihad, to maintain facilities in territory under the control of the Government of Syria; and

(5) has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles;

(6) is not pursuing or engaged in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, and has provided credible assurances that it will not engage in such activities in the future; and

(7) has agreed to allow the United Nations and other international observers to verify that the Government of Syria is not engaging in such activities and to assess the credibility of the assurances provided by that Government.

(c) Suspension of sanctions after election of democratic government

If the President submits to the appropriate congressional committees the certification de-

scribed in subsection (a)(2), the President may suspend the provisions of this subchapter and any sanctions imposed under this subchapter for not more than 180 days to allow time for a certification described in subsection (b) to be submitted.

(Pub. L. 112–158, title VII, §706, Aug. 10, 2012, 126 Stat. 1268.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (c), was in the original a reference to title VII of Pub. L. 112–158, which enacted this subchapter and provisions set out as a note under section 8701 of this title.

CHAPTER 95—IRAN FREEDOM AND COUNTERPROLIFERATION

Sec.	Definitions.
8801.	Definitions.
8802.	Sense of Congress relating to violations of human rights by Iran.
8803.	Imposition of sanctions with respect to the energy, shipping, and shipbuilding sectors of Iran.
8804.	Imposition of sanctions with respect to the sale, supply, or transfer of certain materials to or from Iran.
8805.	Imposition of sanctions with respect to the provision of underwriting services or insurance or reinsurance for activities or persons with respect to which sanctions have been imposed.
8806.	Imposition of sanctions with respect to foreign financial institutions that facilitate financial transactions on behalf of specially designated nationals.
8807.	Impositions of sanctions with respect to the Islamic Republic of Iran Broadcasting.
8808.	Report on use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers.
8809.	Implementation; penalties.
8810.	Applicability to certain natural gas projects.
8811.	Rule of construction.

§ 8801. Definitions

(a) In general

In this chapter:

(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” means—

(A) the committees specified in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note); and

(B) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(3) Coal

The term “coal” means metallurgical coal, coking coal, or fuel coke.

(4) Correspondent account; payable-through account

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

(5) 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.

(6) Good

The term “good” has the meaning given that term in section 4618 of title 50 (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(7) Iranian financial institution

The term “Iranian financial institution” has the meaning given that term in section 8513b(d) of this title.

(8) Iranian person

The term “Iranian person” means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(9) 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.

(10) Medical device

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

(11) Medicine

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

(12) Shipping

The term “shipping” refers to the transportation of goods by a vessel and related activities.

(13) United States person

The term “United States person” has the meaning given that term in section 8511 of this title.

(14) Vessel

The term “vessel” has the meaning given that term in section 3 of title 1.

(b) Determinations of significance

For purposes of this chapter, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(Pub. L. 112–239, div. A, title XII, §1242, Jan. 2, 2013, 126 Stat. 2004.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this subtitle”, meaning subtitle D (§§1241–1255) of title XII of div. A of Pub. L. 112–239, Jan. 2, 2013, 126 Stat. 2004, known as the Iran Freedom and Counter-Proliferation Act of 2012, which is classified principally to this chapter. For complete classification of subtitle D to the Code, see Short Title note set out below and Tables.

The International Emergency Economic Powers Act, referred to in subsec. (a)(6), 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. 112–239, div. A, title XII, §1241, Jan. 2, 2013, 126 Stat. 2004, provided that: “This subtitle [subtitle D (§§1241–1255) of title XII of div. A of Pub. L. 112–239, enacting this chapter and section 8514c of this title, amending sections 8513a and 8551 of this title and section 2335 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as notes under sections 2333 and 2335 of Title 18] may be cited as the ‘Iran Freedom and Counter-Proliferation Act of 2012.’”

DELEGATION OF CERTAIN FUNCTIONS AND AUTHORITIES UNDER THE IRAN FREEDOM AND COUNTER-PROLIFERATION ACT OF 2012

Memorandum of President of the United States, June 3, 2013, 78 F.R. 35545, provided:

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

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 functions and authorities vested in the President by the Iran Freedom and Counter-Proliferation Act of 2012 (subtitle D of title XII of [division A of] Public Law 112–239) (22 U.S.C. 8801 et seq.) (IFCA), as follows:

- Section 1244(c)(1) and (c)(2) [22 U.S.C. 8803(c)(1), (c)(2)] to the Secretary of the Treasury, in consultation with the Secretary of State;

- Section 1244(d)(1)(A) to the Secretary of State, in consultation with the Secretaries of the Treasury and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate, and, once applicable sanctions outlined in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172) (50 U.S.C. 1701 note), as amended (ISA), are selected pursuant to section 1244(d)(1)(A), authority to implement such sanctions is delegated to the relevant agency heads commensurate with any delegation of such authorities and consistent with any relevant Executive Orders implementing ISA;

- Section 1244(d)(2) to the Secretary of the Treasury, in consultation with the Secretary of State;

- Section 1244(f) to the Secretary of State, in consultation with the Secretary of the Treasury;

- Section 1244(i) to the Secretary of State, in consultation with the Secretary of the Treasury;

- Section 1245(a)(1)(A) [22 U.S.C. 8804(a)(1)(A)] to the Secretary of the Treasury, in consultation with the Secretaries of State and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate, and, once applicable sanctions outlined in section 6(a) of ISA are selected pursuant to section 1245(a)(1)(A), authority to implement such sanctions is delegated to the relevant agency heads commensurate with any delegation of such authorities and consistent with any relevant Executive Orders implementing ISA;

- Sections [sic] 1245(a)(1)(B) and (C) to the Secretary of State, in consultation with the Secretaries of the

Treasury and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate, and, once applicable sanctions outlined in section 6(a) of ISA are selected pursuant to section 1245(a)(1)(B) or (C), authority to implement such sanctions is delegated to the relevant agency heads commensurate with any delegation of such authorities and consistent with any relevant Executive Orders implementing ISA;

- Section 1245(c) to the Secretary of the Treasury, in consultation with the Secretary of State;

- Section 1245(e) to the Secretary of State, in consultation with the Secretary of the Treasury;

- Section 1245(f) to the Secretary of State and the Secretary of the Treasury commensurate with their respective areas of responsibility, in consultation with each other;

- Section 1245(g) to the Secretary of State, in consultation with the Secretary of the Treasury;

- Section 1246(a)(1)(A) [22 U.S.C. 8805(a)(1)(A)] to the Secretary of State and the Secretary of the Treasury commensurate with their respective areas of responsibility, in consultation with each other, the Secretary of Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate, and, once applicable sanctions outlined in section 6(a) of ISA are selected pursuant to section 1246(a)(1)(A), authority to implement such sanctions is delegated to the relevant agency heads commensurate with any delegation of such authorities and consistent with any relevant Executive Orders implementing ISA;

- Sections [sic] 1246(a)(1)(B)(i) and (ii) to the Secretary of State, in consultation with the Secretaries of the Treasury and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate, and, once applicable sanctions outlined in section 6(a) of ISA are selected pursuant to section 1246(a)(1)(B)(i) or (ii), authority to implement such sanctions is delegated to the relevant agency heads commensurate with any delegation of such authorities and consistent with any relevant Executive Orders implementing ISA;

- Section 1246(a)(1)(B)(iii) to the Secretary of State and the Secretary of the Treasury commensurate with their respective areas of responsibility, in consultation with each other, the Secretary of Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate, and, once applicable sanctions outlined in section 6(a) of ISA are selected pursuant to section 1246(a)(1)(B)(iii), authority to implement such sanctions is delegated to the relevant agency heads commensurate with any delegation of such authorities and consistent with any relevant Executive Orders implementing ISA;

- Section 1246(a)(1)(C) to the Secretary of the Treasury, in consultation with the Secretaries of State and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate, and, once applicable sanctions outlined in section 6(a) of ISA are selected pursuant to section 1246(a)(1)(C), authority to implement such sanctions is delegated to the relevant agency heads commensurate with any delegation of such authorities and consistent with any relevant Executive Orders implementing ISA;

- Section 1246(d) to the Secretary of State and the Secretary of the Treasury commensurate with their re-

spective areas of responsibility, in consultation with each other;

- Section 1246(e) to the Secretary of State, in consultation with the Secretary of the Treasury;

- Section 1247(a) [22 U.S.C. 8806(a)] to the Secretary of the Treasury, in consultation with the Secretary of State;

- Section 1247(f) to the Secretary of State, in consultation with the Secretary of the Treasury;

- Section 1248(b)(1) [22 U.S.C. 8807(b)(1)] to the Secretary of the Treasury, in consultation with the Secretary of State, with respect to the requirement to impose applicable sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA) described in section 105(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) (22 U.S.C. 8501 et seq.) (CISADA), and with respect to the requirement to include the sanctioned persons on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury;

- Section 1248(b)(1) to the Secretary of State, with respect to the requirement to impose visa sanctions described in section 105(c) of CISADA;

- Section 1248(b)(3) to the Secretary of the Treasury, in consultation with the Secretary of State, with respect to application of section 401(b) of CISADA to IEEPA sanctions imposed under section 1248(b)(1)(A) of IFCA;

- Section 1248(b)(3) to the Secretary of State, in consultation with the Secretary of Homeland Security on matters related to admissibility or inadmissibility within the authority of the Secretary of Homeland Security, with respect to application of section 401(b) of CISADA to visa sanctions imposed under section 1248(b)(1)(A) of IFCA;

- Section 1252(a) [22 U.S.C. 8808(a)] to the Director of National Intelligence, in consultation with the Secretaries of State and the Treasury;

- Section 1253(a) [22 U.S.C. 8809(a)] to the Secretary of the Treasury and the Secretary of State, commensurate with their respective areas of responsibility outlined in this memorandum;

- Section 1253(c)(1) to the Secretary of State, in consultation with the Secretaries of the Treasury and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate;

- Section 1253(c)(2) to the Secretary of State and the Secretary of the Treasury commensurate with their respective areas of responsibility, in consultation with each other, the Secretary of Commerce, and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate, and, once applicable sanctions outlined in section 6(a) of ISA are selected pursuant to section 1244(d)(1)(A), 1245(a)(1), or 1246(a)(1) (including in each case as informed by section 1253(c)(2)), authority to implement such sanctions is delegated to the relevant agency heads commensurate with any delegation of such authorities and consistent with any relevant Executive Orders implementing ISA.

I hereby delegate functions and authorities vested in the President by CISADA, as amended by section 1249 of IFCA, as follows:

- Section 105C(b) [22 U.S.C. 8514c(b)] to the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State, with respect to the determinations described in sections [sic] 105C(b)(1);

- Section 105C(b) to the Secretary of State, in consultation with the Secretary of the Treasury, with respect to the requirement to submit any lists of persons determined to meet the criteria described in sections

[sic] 105C(b)(1), to the appropriate congressional committees as required by sections [sic] 105C(b);

- Section 401(b) [22 U.S.C. 8551(b)] to the Secretary of State, in consultation with the Secretary of the Treasury, with respect to the requirement to include a person on the list described in section 105C(b);

- Sections 105C(a)(1) and 401(b) to the Secretary of the Treasury, in consultation with the Secretary of State, with respect to the requirement to impose or maintain applicable sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA) under section 105C(a)(1);

- Section 105C(a)(1) to the Secretary of State, with respect to the requirement to impose or maintain visa sanctions; and

- Section 401(b) to the Secretary of State, in consultation with the Secretary of Homeland Security on matters related to admissibility or inadmissibility within the authority of the Secretary of Homeland Security, with respect to functions and waiver authorities regarding the requirement to impose or maintain visa sanctions under sections [sic] 105C(a)(1).

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 provisions 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.

§ 8802. Sense of Congress relating to violations of human rights by Iran

(a) Finding

Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) Sense of Congress

It is the sense of Congress that the United States should—

- (1) deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protestors and regime opponents;

- (2) fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

- (3) help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

- (4) defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

(Pub. L. 112-239, div. A, title XII, § 1243, Jan. 2, 2013, 126 Stat. 2005.)

§ 8803. Imposition of sanctions with respect to the energy, shipping, and shipbuilding sectors of Iran

(a) Findings

Congress makes the following findings:

- (1) Iran's energy, shipping, and shipbuilding sectors and Iran's ports are facilitating the Government of Iran's nuclear proliferation activities by providing revenue to support proliferation activities.

- (2) The United Nations Security Council and the United States Government have expressed

concern about the proliferation risks presented by the Iranian nuclear program.

- (3) The Director General of the International Atomic Energy Agency (in this section referred to as the "IAEA") has in successive reports (GOV/2012/37 and GOV/2011/65) identified possible military dimensions of Iran's nuclear program.

- (4) The Government of Iran continues to defy the requirements and obligations contained in relevant IAEA Board of Governors and United Nations Security Council resolutions, including by continuing and expanding uranium enrichment activities in Iran, as reported in IAEA Report GOV/2012/37.

- (5) United Nations Security Council Resolution 1929 (2010) recognizes the "potential connection between Iran's revenues derived from its energy sector and the funding of Iran's proliferation sensitive nuclear activities".

- (6) The National Iranian Tanker Company is the main carrier for the Iranian Revolutionary Guard Corps-designated National Iranian Oil Company and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) Designation of ports and entities in the energy, shipping, and shipbuilding sectors of Iran as entities of proliferation concern

Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran's nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

(c) Blocking of property of entities in energy, shipping, and shipbuilding sectors

(1) Blocking of property

(A) In general

On and after the date that is 180 days after January 2, 2013, the President shall block and prohibit all transactions in all property and interests in property of any person described in paragraph (2) 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.

(B) Exception

The requirement to block and prohibit all transactions in all property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

(2) Persons described

A person is described in this paragraph if the President determines that the person, on or after the date that is 180 days after January 2, 2013—

- (A) is part of the energy, shipping, or shipbuilding sectors of Iran;

- (B) operates a port in Iran; or

- (C) knowingly provides significant financial, material, technological, or other sup-

port to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) Iranian financial institutions described

An Iranian financial institution described in this paragraph is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(A) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) Iran's support for international terrorism; or

(C) Iran's abuses of human rights.

(d) Additional sanctions with respect to the energy, shipping, and shipbuilding sectors of Iran

(1) Sale, supply, or transfer of certain goods and services

(A) In general

Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 180 days after January 2, 2013, sells, supplies, or transfers to or from Iran goods or services described in paragraph (3).

(B) Exception

The requirement to impose sanctions under subparagraph (A) shall not include the authority to impose sanctions relating to the importation of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under subparagraph (A).

(2) Facilitation of certain transactions

Except as provided in this section, the President 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 knowingly, on or after the date that is 180 days after January 2, 2013, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of goods or services described in paragraph (3).

(3) Goods and services described

Goods or services described in this paragraph are significant goods or services used in

connection with the energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

(e) Humanitarian exception

The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) Exception for Afghanistan reconstruction

The President may provide for an exception from the imposition of sanctions under this section for reconstruction assistance or economic development for Afghanistan—

(1) to the extent that the President determines that such an exception is in the national interest of the United States; and

(2) if the President submits to the appropriate congressional committees a notification of and justification for the exception not later than 15 days before issuing the exception.

(g) Applicability of sanctions to petroleum and petroleum products

(1) In general

Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 8513a(d)(4)(B) of this title that 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 their purchases from Iran is in effect.

(2) Exception for certain countries

(A) Exportation

This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 8513a(d)(4)(D)(i) of this title applies at the time of the exportation of the petroleum or petroleum products.

(B) Financial transactions

(i) In general

This section shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 8513a(d)(4)(D)(i) of this title applies to the country with primary jurisdiction over the foreign financial institution.

(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—

(aa) not otherwise subject to sanctions under the law of the United States; and

(bb) 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.

(h) Applicability of sanctions to natural gas

(1) Sale, supply, or transfer

Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) Financial transactions

This section shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(A) the financial transaction is only for trade in goods or services—

(i) not otherwise subject to sanctions under the law of the United States; and

(ii) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(B) 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.

(i) Waiver

(1) In general

The President may waive the imposition of sanctions under this section for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President—

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

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) Form of report

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

(Pub. L. 112-239, div. A, title XII, § 1244, Jan. 2, 2013, 126 Stat. 2006.)

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.

§ 8804. Imposition of sanctions with respect to the sale, supply, or transfer of certain materials to or from Iran

(a) Sale, supply, or transfer of certain materials

(1) In general

The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person

knowingly, on or after the date that is 180 days after January 2, 2013, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(A) a precious metal;

(B) a material described in subsection (d) determined pursuant to subsection (e)(1) to be used by Iran as described in that subsection;

(C) any other material described in subsection (d) if—

(i) the material is—

(I) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran or any sector of the economy of Iran determined pursuant to subsection (e)(2) to be controlled directly or indirectly by Iran's Revolutionary Guard Corps;

(II) sold, supplied, or transferred to or from an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)); or

(III) determined pursuant to subsection (e)(3) to be used in connection with the nuclear, military, or ballistic missile programs of Iran; or

(ii) the material is resold, retransferred, or otherwise supplied—

(I) to an end-user in a sector described in subclause (I) of clause (i);

(II) to a person described in subclause (II) of that clause; or

(III) for a program described in subclause (III) of that clause.

(2) Exception

The requirement to impose sanctions under paragraph (1) shall not include the authority to impose sanctions relating to the importation of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under paragraph (1).

(b) Iranian financial institutions described

An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) Facilitation of certain transactions

The President 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 knowingly, on or after the date that is 180 days after January 2, 2013, conducts or facilitates a significant financial trans-

action for the sale, supply, or transfer to or from Iran of materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a).

(d) Materials described

Materials described in this subsection are graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes.

(e) Determination with respect to use of materials

Not later than 180 days after January 2, 2013, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains the determination of the President with respect to—

(1) whether Iran is—

(A) using any of the materials described in subsection (d) as a medium for barter, swap, or any other exchange or transaction; or

(B) listing any of such materials as assets of the Government of Iran for purposes of the national balance sheet of Iran;

(2) which sectors of the economy of Iran are controlled directly or indirectly by Iran's Revolutionary Guard Corps; and

(3) which of the materials described in subsection (d) are used in connection with the nuclear, military, or ballistic missile programs of Iran.

(f) Exception for persons exercising due diligence

The President may not impose sanctions under subsection (a) or (c) with respect to a person if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer.

(g) Waiver

(1) In general

The President may waive the imposition of sanctions under this section for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President—

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

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) Form of report

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

(h) National balance sheet of Iran defined

For purposes of this section, the term “national balance sheet of Iran” refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

(Pub. L. 112-239, div. A, title XII, §1245, Jan. 2, 2013, 126 Stat. 2009.)

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.

§ 8805. Imposition of sanctions with respect to the provision of underwriting services or insurance or reinsurance for activities or persons with respect to which sanctions have been imposed

(a) Imposition of sanctions

(1) In general

Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 180 days after January 2, 2013, provides underwriting services or insurance or reinsurance—

(A) for any activity with respect to Iran for which sanctions have been imposed under this chapter, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Non-proliferation Act (Public Law 106-178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(B) to or for any person—

(i) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions are imposed under this chapter;

(ii) for the sale, supply, or transfer to or from Iran of materials described in section 8804(d) of this title for which sanctions are imposed under this chapter; or

(iii) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) 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; or

(C) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(2) Exception

The requirement to impose sanctions under paragraph (1) shall not include the authority to impose sanctions relating to the importa-

tion of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under paragraph (1).

(b) Iranian financial institutions described

An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

- (1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;
- (2) Iran's support for international terrorism; or
- (3) Iran's abuses of human rights.

(c) Humanitarian exception

The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) Exception for underwriters and insurance providers exercising due diligence

The President may not impose sanctions under subparagraph (A) or (C) or clause (i) or (ii) of subparagraph (B) of subsection (a)(1) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in subparagraph (A) of that subsection or to or for any person described in subparagraph (C) or clause (i) or (ii) of subparagraph (B) of that subsection.

(e) Waiver

(1) In general

The President may waive the imposition of sanctions under subsection (a) for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President—

- (A) determines that such a waiver is vital to the national security of the United States; and
- (B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) Form of report

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

(Pub. L. 112-239, div. A, title XII, §1246, Jan. 2, 2013, 126 Stat. 2011.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1)(A), (B)(i), (ii), was in the original "this subtitle", meaning subtitle D (§§1241-1255) of title XII of div. A of Pub. L. 112-239, Jan. 2, 2013, 126 Stat. 2004, known as the Iran Freedom and Counter-Proliferation Act of 2012, which

is classified principally to this chapter. For complete classification of subtitle D to the Code, see Short Title note set out under section 8801 of this title and Tables.

The International Emergency Economic Powers Act, referred to in subsec. (a)(1)(A), (B)(iii), 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 Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, referred to in subsec. (a)(1)(A), is Pub. L. 111-195, July 1, 2010, 124 Stat. 1312, which is classified principally to chapter 92 (§8501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8501 of this title and Tables.

The Iran Threat Reduction and Syria Human Rights Act of 2012, referred to in subsec. (a)(1)(A), is Pub. L. 112-158, Aug. 10, 2012, 126 Stat. 1214, which is classified principally to chapter 94 (§8701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8701 of this title and Tables.

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.

§ 8806. Imposition of sanctions with respect to foreign financial institutions that facilitate financial transactions on behalf of specially designated nationals

(a) In general

Except as provided in this section, the President 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, on or after the date that is 180 days after January 2, 2013, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) Iranian financial institutions described

An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

- (1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;
- (2) Iran's support for international terrorism; or
- (3) Iran's abuses of human rights.

(c) Humanitarian exception

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

(d) Applicability of sanctions to petroleum and petroleum products**(1) In general**

Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum or petroleum products from Iran only if, at the time of the transaction, a determination of the President under section 8513a(d)(4)(B) of this title that 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 their purchases from Iran is in effect.

(2) Exception for certain countries**(A) In general**

Subsection (a) shall not apply with respect to a financial transaction described in subparagraph (B) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 8513a(d)(4)(D)(i) of this title applies to the country with primary jurisdiction over the foreign financial institution.

(B) Financial transactions described

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

(i) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) 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.

(e) Applicability of sanctions to natural gas

Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and

(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) 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.

(f) Waiver**(1) In general**

The President may waive the imposition of sanctions under subsection (a) for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President—

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

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) Form of report

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

(Pub. L. 112-239, div. A, title XII, §1247, Jan. 2, 2013, 126 Stat. 2013.)

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.

§ 8807. Impositions of sanctions with respect to the Islamic Republic of Iran Broadcasting**(a) Findings**

Congress makes the following findings:

(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals' human rights by broadcasting forced televised confession and show trials.

(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of "show trials" in August 2009 and December 2011 that constituted a clear violation of international law with respect to the right to a fair trial and due process.

(b) Imposition of sanctions**(1) In general**

The President shall, after January 2, 2013—

(A) impose sanctions described in section 8514(c) of this title with respect to the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami; and

(B) include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(2) Exception

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

(3) Application of certain provisions

Sections 8514(d) and 8551(b) of this title shall apply with respect to sanctions imposed under paragraph (1)(A) to the same extent that such sections apply with respect to the imposition of sanctions under section 8514(a) of this title.

(Pub. L. 112-239, div. A, title XII, §1248, 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.

§ 8808. Report on use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers

(a) In general

Not later than 180 days after January 2, 2013, and annually thereafter through 2016, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of large or otherwise significant vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company during the period specified in subsection (b) and the owners and operators of those vessels; and

(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) Period specified

The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

(c) Form of report

Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(Pub. L. 112-239, div. A, title XII, §1252, Jan. 2, 2013, 126 Stat. 2017.)

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.

§ 8809. Implementation; penalties

(a) Implementation

The President may exercise all authorities provided under sections 1702 and 1704 of title 50 to carry out this chapter.

(b) Penalties

The penalties provided for in subsections (b) and (c) of section 1705 of title 50 shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this chapter or regulations prescribed under this chapter to the same extent that such penalties apply to a person that commits an unlawful act described in section 1705(a) of title 50.

(c) Application of certain provisions of Iran Sanctions Act of 1996

The following provisions of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under sections 8803(d), 8804(a), and 8805(a) of this title to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanc-

tions Act of 1996, and, as appropriate, instead of sections 8803(i), 8804(g), and 8805(e) of this title:

(1) Paragraphs (1)(A), (2)(A), and (2)(B)(i) of section 4(c).

(2) Subsections (c), (d), and (f) of section 5.

(3) Section 8.

(4) Section 11.

(5) Section 12.

(6) Section 13(b).

(Pub. L. 112-239, div. A, title XII, §1253, Jan. 2, 2013, 126 Stat. 2017.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original “this subtitle”, meaning subtitle D (§§1241–1255) of title XII of div. A of Pub. L. 112-239, Jan. 2, 2013, 126 Stat. 2004, known as the Iran Freedom and Counter-Proliferation Act of 2012, which is classified principally to this chapter. For complete classification of subtitle D to the Code, see Short Title note set out under section 8801 of this title and Tables.

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.

§ 8810. Applicability to certain natural gas projects

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 8783 of this title to which the exception under that section applies at the time of the activity.

(Pub. L. 112-239, div. A, title XII, §1254, Jan. 2, 2013, 126 Stat. 2018.)

REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle D (§§1241–1255) of title XII of div. A of Pub. L. 112-239, Jan. 2, 2013, 126 Stat. 2004, known as the Iran Freedom and Counter-Proliferation Act of 2012, which is classified principally to this chapter. For complete classification of subtitle D to the Code, see Short Title note set out under section 8801 of this title and Tables.

§ 8811. Rule of construction

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

(Pub. L. 112-239, div. A, title XII, §1255, Jan. 2, 2013, 126 Stat. 2018.)

REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle D (§§1241–1255) of title XII of div. A of Pub. L. 112-239, Jan. 2, 2013, 126 Stat. 2004, known as the Iran Freedom and Counter-Proliferation Act of 2012, which is classified principally to this chapter. For complete classification of subtitle D to the Code, see Short Title note set out under section 8801 of this title and Tables.

CHAPTER 96—SOVEREIGNTY, INTEGRITY, DEMOCRACY, AND ECONOMIC STABILITY OF UKRAINE

Sec.
8901. Definitions.