

111TH CONGRESS
2^D SESSION

S. 2799

AN ACT

To expand the Iran Sanctions Act of 1996, to provide for the divestment of assets in Iran by State and local governments and other entities, to identify locations of concern with respect to transshipment, reexportation, or diversion of certain sensitive items to Iran, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Comprehensive Iran Sanctions, Accountability, and Di-
 6 vestment Act of 2009”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
 8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Sense of Congress regarding illicit nuclear activities and violations of
 human rights in Iran.

TITLE I—SANCTIONS

Sec. 101. Definitions.

Sec. 102. Expansion of sanctions under the Iran Sanctions Act of 1996.

Sec. 103. Economic sanctions relating to Iran.

Sec. 104. Liability of parent companies for violations of sanctions by foreign
 subsidiaries.

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Sec. 106. Increased capacity for efforts to combat unlawful or terrorist financ-
 ing.

Sec. 107. Reporting requirements.

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 tral Bank of Iran.

Sec. 109. Policy of the United States regarding Iran’s Revolutionary Guard
 Corps and its affiliates.

Sec. 110. Policy of the United States with respect to Iran and Hezbollah.

Sec. 111. Sense of Congress regarding the imposition of multilateral sanctions
 with respect to Iran.

**TITLE II—DIVESTMENT FROM CERTAIN COMPANIES THAT
 INVEST IN IRAN**

Sec. 201. Definitions.

Sec. 202. Authority of State and local governments to divest from certain com-
 panies that invest in Iran.

Sec. 203. Safe harbor for changes of investment policies by asset managers.

Sec. 204. Sense of Congress regarding certain ERISA plan investments.

**TITLE III—PREVENTION OF TRANSSHIPMENT, REEXPORTATION,
 OR DIVERSION OF SENSITIVE ITEMS TO IRAN**

Sec. 301. Definitions.

Sec. 302. Identification of locations of concern with respect to transshipment, reexportation, or diversion of certain items to Iran.

Sec. 303. Destinations of Possible Diversion Concern and Destinations of Diversion Concern.

Sec. 304. Report on expanding diversion concern system to countries other than Iran.

TITLE IV—EFFECTIVE DATE; SUNSET

Sec. 401. Effective date; sunset.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The illicit nuclear activities of the Govern-
4 ment of Iran and its support for international ter-
5 rorism represent threats to the security of the
6 United States, its strong ally Israel, and other allies
7 of the United States around the world.

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

12 (3) The International Atomic Energy Agency
13 has repeatedly called attention to Iran's illicit nu-
14 clear activities and, as a result, the United Nations
15 Security Council has adopted a range of sanctions
16 designed to encourage the Government of Iran to
17 cease those activities and comply with its obligations
18 under the Treaty on Non-Proliferation of Nuclear
19 Weapons, done at Washington, London, and Moscow
20 July 1, 1968, and entered into force March 5, 1970

1 (commonly known as the “Nuclear Non-Proliferation
2 Treaty”).

3 (4) The serious and urgent nature of the threat
4 from Iran demands that the United States work to-
5 gether with its allies to prevent Iran from acquiring
6 a nuclear weapons capability.

7 (5) The United States and its major European
8 allies, including the United Kingdom, France, and
9 Germany, have advocated that sanctions be strenght-
10 ened should international diplomatic efforts fail to
11 achieve verifiable suspension of Iran’s uranium en-
12 richment program and an end to its illicit nuclear
13 activities.

14 (6) There is an increasing interest by States,
15 local governments, educational institutions, and pri-
16 vate institutions to seek to disassociate themselves
17 from companies that conduct business activities in
18 the energy sector of Iran, since such business activi-
19 ties may directly or indirectly support the efforts of
20 the Government of Iran to achieve a nuclear weap-
21 ons capability.

22 (7) Black market proliferation networks con-
23 tinue to flourish in the Middle East, allowing coun-
24 tries like Iran to gain access to sensitive dual-use
25 technologies.

1 (8) The Government of Iran continues to en-
2 gage in serious, systematic, and ongoing violations of
3 human rights and religious freedom, including ille-
4 gitimate prolonged detention, torture, and execu-
5 tions. Such violations have increased in the after-
6 math of the presidential election in Iran on June 12,
7 2009.

8 **SEC. 3. SENSE OF CONGRESS REGARDING ILLICIT NU-**
9 **CLEAR ACTIVITIES AND VIOLATIONS OF**
10 **HUMAN RIGHTS IN IRAN.**

11 It is the sense of Congress that—

12 (1) international diplomatic efforts to address
13 Iran’s illicit nuclear efforts and support for inter-
14 national terrorism are more likely to be effective if
15 the President is empowered with the explicit author-
16 ity to impose additional sanctions on the Govern-
17 ment of Iran;

18 (2) additional measures should be adopted by
19 the United States to prevent the diversion and
20 transshipment of sensitive dual-use technologies to
21 Iran;

22 (3) the concerns of the United States regarding
23 Iran are strictly the result of the actions of the Gov-
24 ernment of Iran;

25 (4) the people of the United States—

1 (A) have a long history of friendship and
2 exchange with the people of Iran;

3 (B) regret that developments in recent dec-
4 ades have created impediments to that friend-
5 ship;

6 (C) hold the people of Iran, their culture,
7 and their ancient and rich history in the highest
8 esteem; and

9 (D) remain deeply concerned about con-
10 tinuing human rights abuses in Iran;

11 (5) the President should—

12 (A) continue to press the Government of
13 Iran to respect the internationally recognized
14 human rights and religious freedoms of its citi-
15 zens;

16 (B) identify the officials of the Government
17 of Iran that are responsible for continuing and
18 severe violations of human rights and religious
19 freedom in Iran; and

20 (C) take appropriate measures to respond
21 to such violations, including by—

22 (i) prohibiting officials the President
23 identifies as being responsible for such vio-
24 lations from entry into the United States;
25 and

1 (ii) freezing the assets of those offi-
2 cials; and

3 (6) additional funding should be provided to the
4 Secretary of State to document, collect, and dissemi-
5 nate information about human rights abuses in Iran,
6 including serious abuses that have taken place since
7 the presidential election in Iran conducted on June
8 12, 2009.

9 **TITLE I—SANCTIONS**

10 **SEC. 101. DEFINITIONS.**

11 In this title:

12 (1) **AGRICULTURAL COMMODITY.**—The term
13 “agricultural commodity” has the meaning given
14 that term in section 102 of the Agricultural Trade
15 Act of 1978 (7 U.S.C. 5602).

16 (2) **APPROPRIATE CONGRESSIONAL COMMIT-**
17 **TEES.**—The term “appropriate congressional com-
18 mittees” has the meaning given that term in section
19 14(2) of the Iran Sanctions Act of 1996 (Public
20 Law 104–172; 50 U.S.C. 1701 note).

21 (3) **EXECUTIVE AGENCY.**—The term “executive
22 agency” has the meaning given that term in section
23 4 of the Office of Federal Procurement Policy Act
24 (41 U.S.C. 403).

1 (4) FAMILY MEMBER.—The term “family mem-
2 ber” means, with respect to an individual, the
3 spouse, children, grandchildren, or parents of the in-
4 dividual.

5 (5) INFORMATION AND INFORMATIONAL MATE-
6 RIALS.—The term “information and informational
7 materials” includes publications, films, posters, pho-
8 nograph records, photographs, microfilms, micro-
9 fiche, tapes, compact disks, CD ROMs, artworks,
10 and news wire feeds.

11 (6) INVESTMENT.—The term “investment” has
12 the meaning given that term in section 14(9) of the
13 Iran Sanctions Act of 1996 (Public Law 104–172;
14 50 U.S.C. 1701 note).

15 (7) IRANIAN DIPLOMATS AND REPRESENTA-
16 TIVES OF OTHER GOVERNMENT AND MILITARY OR
17 QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—
18 The term “Iranian diplomats and representatives of
19 other government and military or quasi-govern-
20 mental institutions of Iran” has the meaning given
21 that term in section 14(11) of the Iran Sanctions
22 Act of 1996 (Public Law 104–172; 50 U.S.C. 1701
23 note).

24 (8) MEDICAL DEVICE.—The term “medical de-
25 vice” has the meaning given the term “device” in

1 section 201 of the Federal Food, Drug, and Cos-
2 metic Act (21 U.S.C. 321).

3 (9) MEDICINE.—The term “medicine” has the
4 meaning given the term “drug” in section 201 of the
5 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
6 321).

7 **SEC. 102. EXPANSION OF SANCTIONS UNDER THE IRAN**
8 **SANCTIONS ACT OF 1996.**

9 (a) IN GENERAL.—Section 5 of the Iran Sanctions
10 Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note)
11 is amended by striking subsection (a) and inserting the
12 following:

13 “(a) SANCTIONS WITH RESPECT TO THE DEVELOP-
14 MENT OF PETROLEUM RESOURCES OF IRAN, PRODUC-
15 TION OF REFINED PETROLEUM PRODUCTS IN IRAN, AND
16 EXPORTATION OF REFINED PETROLEUM PRODUCTS TO
17 IRAN.—

18 “(1) DEVELOPMENT OF PETROLEUM RE-
19 SOURCES OF IRAN.—

20 “(A) IN GENERAL.—Except as provided in
21 subsection (f), the President shall impose 2 or
22 more of the sanctions described in paragraphs
23 (1) through (6) of section 6(a) with respect to
24 a person if the President determines that the
25 person, with actual knowledge, on or after the

1 effective date of the Comprehensive Iran Sanc-
2 tions, Accountability, and Divestment Act of
3 2009—

4 “(i) makes an investment described in
5 subparagraph (B) of \$20,000,000 or more;
6 or

7 “(ii) makes a combination of invest-
8 ments described in subparagraph (B) in a
9 12-month period if each such investment is
10 at least \$5,000,000 and such investments
11 equal or exceed \$20,000,000 in the aggre-
12 gate.

13 “(B) INVESTMENT DESCRIBED.—An in-
14 vestment described in this subparagraph is an
15 investment that directly and significantly con-
16 tributes to the enhancement of Iran’s ability to
17 develop petroleum resources.

18 “(2) PRODUCTION OF REFINED PETROLEUM
19 PRODUCTS.—

20 “(A) IN GENERAL.—Except as provided in
21 subsection (f), the President shall impose the
22 sanctions described in section 6(b) (in addition
23 to any other sanctions imposed under this sub-
24 section) with respect to a person if the Presi-
25 dent determines that the person, with actual

1 knowledge, on or after the effective date of the
2 Comprehensive Iran Sanctions, Accountability,
3 and Divestment Act of 2009, sells, leases, or
4 provides to Iran any goods, services, technology,
5 information, or support described in subpara-
6 graph (B)—

7 “(i) any of which has a fair market
8 value of \$200,000 or more; or

9 “(ii) that, during a 12-month period,
10 have an aggregate fair market value of
11 \$1,000,000 or more.

12 “(B) GOODS, SERVICES, TECHNOLOGY, IN-
13 FORMATION, OR SUPPORT DESCRIBED.—Goods,
14 services, technology, information, or support de-
15 scribed in this subparagraph are goods, serv-
16 ices, technology, information, or support that
17 could directly and significantly facilitate the
18 maintenance or expansion of Iran’s domestic
19 production of refined petroleum products, in-
20 cluding any assistance with respect to construc-
21 tion, modernization, or repair of petroleum re-
22 fineries.

23 “(3) EXPORTATION OF REFINED PETROLEUM
24 PRODUCTS TO IRAN.—

1 “(A) IN GENERAL.—Except as provided in
2 subsection (f), the President shall impose the
3 sanctions described in section 6(b) (in addition
4 to any other sanctions imposed under this sub-
5 section) with respect to a person if the Presi-
6 dent determines that the person, with actual
7 knowledge, on or after the effective date of the
8 Comprehensive Iran Sanctions, Accountability,
9 and Divestment Act of 2009—

10 “(i) provides Iran with refined petro-
11 leum products—

12 “(I) that have a fair market
13 value of \$200,000 or more; or

14 “(II) that, during a 12-month pe-
15 riod, have an aggregate fair market
16 value of \$1,000,000 or more; or

17 “(ii) sells, leases, or provides to Iran
18 any goods, services, technology, informa-
19 tion, or support described in subparagraph
20 (B)—

21 “(I) any of which has a fair mar-
22 ket value of \$200,000 or more; or

23 “(II) that, during a 12-month pe-
24 riod, have an aggregate fair market
25 value of \$1,000,000 or more.

1 “(B) GOODS, SERVICES, TECHNOLOGY, IN-
2 FORMATION, OR SUPPORT DESCRIBED.—Goods,
3 services, technology, information, or support de-
4 scribed in this subparagraph are goods, serv-
5 ices, technology, or support that could directly
6 and significantly contribute to the enhancement
7 of Iran’s ability to import refined petroleum
8 products, including—

9 “(i) underwriting or otherwise pro-
10 viding insurance or reinsurance for the
11 sale, lease, or provision of such goods,
12 services, technology, information, or sup-
13 port;

14 “(ii) financing or brokering such sale,
15 lease, or provision; or

16 “(iii) providing ships or shipping serv-
17 ices to deliver refined petroleum products
18 to Iran.”.

19 (b) DESCRIPTION OF SANCTIONS.—Section 6 of such
20 Act is amended—

21 (1) by striking “The sanctions to be imposed on
22 a sanctioned person under section 5 are as follows:”
23 and inserting the following:

1 “(a) IN GENERAL.—The sanctions to be imposed on
2 a sanctioned person under subsections (a)(1) and (b) of
3 section 5 are as follows:”;

4 (2) by adding at the end the following:

5 “(b) ADDITIONAL SANCTIONS.—The sanctions to be
6 imposed on a sanctioned person under paragraphs (2) and
7 (3) of section 5(a) are as follows:

8 “(1) FOREIGN EXCHANGE.—The President
9 shall, pursuant to such regulations as the President
10 may prescribe, prohibit any transactions in foreign
11 exchange by the sanctioned person.

12 “(2) BANKING TRANSACTIONS.—The President
13 shall, pursuant to such regulations as the President
14 may prescribe, prohibit any transfers of credit or
15 payments between, by, through, or to any financial
16 institution, to the extent that such transfers or pay-
17 ments involve any interest of the sanctioned person.

18 “(3) PROPERTY TRANSACTIONS.—The Presi-
19 dent shall, pursuant to such regulations as the
20 President may prescribe and subject to the jurisdic-
21 tion of the United States, prohibit any person
22 from—

23 “(A) acquiring, holding, withholding,
24 using, transferring, withdrawing, transporting,
25 importing, or exporting any property with re-

1 spect to which the sanctioned person has any
2 interest;

3 “(B) dealing in or exercising any right,
4 power, or privilege with respect to such prop-
5 erty; or

6 “(C) conducting any transactions involving
7 such property.”.

8 (c) REPORT RELATING TO PRESIDENTIAL WAIV-
9 ER.—Section 9(c)(2) of such Act is amended by striking
10 subparagraph (C) and inserting the following:

11 “(C) an estimate of the significance of the
12 conduct of the person in contributing to the
13 ability of Iran to, as the case may be—

14 “(i) develop petroleum resources,
15 produce refined petroleum products, or im-
16 port refined petroleum products; or

17 “(ii) acquire or develop—

18 “(I) chemical, biological, or nu-
19 clear weapons or related technologies;
20 or

21 “(II) destabilizing numbers and
22 types of advanced conventional weap-
23 ons; and”.

24 (d) CLARIFICATION AND EXPANSION OF DEFINI-
25 TIONS.—Section 14 of such Act is amended—

1 (1) in paragraph (13)(B)—

2 (A) by inserting “financial institution, in-
3 surer, underwriter, guarantor, and any other
4 business organization, including any foreign
5 subsidiary, parent, or affiliate thereof,” after
6 “trust,”; and

7 (B) by inserting “, such as an export cred-
8 it agency” before the semicolon at the end;

9 (2) in paragraph (14), by striking “petroleum
10 and natural gas resources” and inserting “petro-
11 leum, refined petroleum products, oil or liquefied
12 natural gas, natural gas resources, oil or liquefied
13 natural gas tankers, and products used to construct
14 or maintain pipelines used to transport oil or lique-
15 fied natural gas”;

16 (3) by redesignating paragraphs (15) and (16)
17 as paragraphs (16) and (17), respectively; and

18 (4) by inserting after paragraph (14) the fol-
19 lowing:

20 “(15) REFINED PETROLEUM PRODUCTS.—The
21 term ‘refined petroleum products’ means diesel, gas-
22 oline, jet fuel (including naphtha-type and kerosene-
23 type jet fuel), and aviation gasoline.”.

24 (e) CONFORMING AMENDMENT.—Section 4 of such
25 Act is amended—

1 (1) in subsection (b)(2), by striking “(in addi-
2 tion to that provided in subsection (d))”;

3 (2) by striking subsection (d); and

4 (3) by redesignating subsections (e) and (f) as
5 subsections (d) and (e), respectively.

6 **SEC. 103. ECONOMIC SANCTIONS RELATING TO IRAN.**

7 (a) **IN GENERAL.**—Notwithstanding any other provi-
8 sion of law, and in addition to any other sanction in effect,
9 beginning on the date that is 15 days after the effective
10 date of this Act, the economic sanctions described in sub-
11 section (b) shall apply with respect to Iran.

12 (b) **SANCTIONS.**—The sanctions described in this
13 subsection are the following:

14 (1) **PROHIBITION ON IMPORTS.**—

15 (A) **IN GENERAL.**—Except as provided in
16 subparagraph (B), no article of Iranian origin
17 may be imported directly or indirectly into the
18 United States.

19 (B) **EXCEPTION.**—The prohibition in sub-
20 paragraph (A) does not apply to imports from
21 Iran of information and informational mate-
22 rials.

23 (2) **PROHIBITION ON EXPORTS.**—

24 (A) **IN GENERAL.**—Except as provided in
25 subparagraph (B), no article of United States

1 origin may be exported directly or indirectly to
2 Iran.

3 (B) EXCEPTIONS.—The prohibition in sub-
4 paragraph (A) does not apply to exports to Iran
5 of—

6 (i) agricultural commodities, food,
7 medicine, or medical devices;

8 (ii) articles exported to Iran to pro-
9 vide humanitarian assistance to the people
10 of Iran;

11 (iii) except as provided in subpara-
12 graph (C), information or informational
13 materials;

14 (iv) goods, services, or technologies
15 necessary to ensure the safe operation of
16 commercial passenger aircraft produced in
17 the United States if the exportation of
18 such goods, services, or technologies is ap-
19 proved by the Secretary of the Treasury, in
20 consultation with the Secretary of Com-
21 merce, pursuant to regulations promul-
22 gated by the Secretary of the Treasury re-
23 garding the exportation of such goods,
24 services, or technologies, if appropriate; or

1 (v) goods, services, or technologies
2 that—

3 (I) are provided to the Inter-
4 national Atomic Energy Agency and
5 are necessary to support activities of
6 that Agency in Iran;

7 (II) are necessary to support ac-
8 tivities, including the activities of non-
9 governmental organizations, relating
10 to promoting democracy in Iran; or

11 (III) the President determines to
12 be necessary to the national interest
13 of the United States.

14 (C) SPECIAL RULE WITH RESPECT TO IN-
15 FORMATION AND INFORMATIONAL MATE-
16 RIALS.—Notwithstanding subparagraph (B)(iii),
17 information and informational materials of
18 United States origin may not be exported di-
19 rectly or indirectly to Iran—

20 (i) if the exportation of such informa-
21 tion or informational materials is otherwise
22 controlled—

23 (I) under section 5 of the Export
24 Administration Act of 1979 (50
25 U.S.C. App. 2404) (as in effect pur-

1 suant to the International Emergency
2 Economic Powers Act (50 U.S.C.
3 1701 et seq.)); or

4 (II) under section 6 of that Act
5 (50 U.S.C. App. 2405), to the extent
6 that such controls promote the non-
7 proliferation or antiterrorism policies
8 of the United States; or

9 (ii) if such information or informa-
10 tional materials are information or infor-
11 mational materials with respect to which
12 acts are prohibited by chapter 37 of title
13 18, United States Code.

14 (3) FREEZING ASSETS.—

15 (A) IN GENERAL.—At such time as the
16 United States has access to the names of per-
17 sons in Iran, including Iranian diplomats and
18 representatives of other government and mili-
19 tary or quasi-governmental institutions of Iran
20 (including Iran’s Revolutionary Guard Corps
21 and its affiliates), that satisfy the criteria for
22 designation with respect to the imposition of
23 sanctions under the authority of the Inter-
24 national Emergency Economic Powers Act (50
25 U.S.C. 1701 et seq.) or are otherwise subject to

1 sanctions under any other provision of law, the
2 President shall take such action as may be nec-
3 essary to freeze, as soon as possible, the funds
4 and other assets belonging to anyone so named
5 and any family members or associates of those
6 so named to whom assets or property of those
7 so named were transferred on or after January
8 1, 2009. The action described in the preceding
9 sentence includes requiring any United States
10 financial institution that holds funds and assets
11 of a person so named to report promptly to the
12 Office of Foreign Assets Control information
13 regarding such funds and assets.

14 (B) ASSET REPORTING REQUIREMENT.—

15 Not later than 14 days after a decision is made
16 to freeze the property or assets of any person
17 under this paragraph, the President shall report
18 the name of such person to the appropriate con-
19 gressional committees. Such a report may con-
20 tain a classified annex.

21 (4) UNITED STATES GOVERNMENT CON-
22 TRACTS.—The head of an executive agency may not
23 procure, or enter into a contract for the procurement
24 of, any goods or services from a person that meets
25 the criteria for the imposition of sanctions under

1 section 5 of the Iran Sanctions Act of 1996 (Public
2 Law 104–172; 50 U.S.C. 1701 note).

3 (c) WAIVER.—The President may waive the applica-
4 tion of the sanctions described in subsection (b) if the
5 President—

6 (1) determines that such a waiver is in the na-
7 tional interest of the United States; and

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

11 **SEC. 104. LIABILITY OF PARENT COMPANIES FOR VIOLA-**
12 **TIONS OF SANCTIONS BY FOREIGN SUBSIDI-**
13 **ARIES.**

14 (a) DEFINITIONS.—In this section:

15 (1) ENTITY.—The term “entity” means a part-
16 nership, association, trust, joint venture, corpora-
17 tion, or other organization.

18 (2) OWN OR CONTROL.—The term “own or con-
19 trol” means, with respect to an entity—

20 (A) to hold more than 50 percent of the
21 equity interest by vote or value in the entity;

22 (B) to hold a majority of seats on the
23 board of directors of the entity; or

24 (C) to otherwise control the actions, poli-
25 cies, or personnel decisions of the entity.

1 (3) SUBSIDIARY.—The term “subsidiary”
2 means an entity that is owned or controlled, directly
3 or indirectly, by a United States person.

4 (4) UNITED STATES PERSON.—The term
5 “United States person” means—

6 (A) a natural person who is a citizen, resi-
7 dent, or national of the United States; and

8 (B) an entity that is organized under the
9 laws of the United States, any State or terri-
10 tory thereof, or the District of Columbia, if nat-
11 ural persons described in subparagraph (A) own
12 or control the entity.

13 (b) IN GENERAL.—A United States person shall be
14 subject to a penalty for a violation of the provisions of
15 Executive Order 12959 (50 U.S.C. 1701 note) or Execu-
16 tive Order 13059 (50 U.S.C. 1701 note), or any other pro-
17 hibition on transactions with respect to Iran imposed
18 under the authority of the International Emergency Eco-
19 nomic Powers Act (50 U.S.C. 1701 et seq.), if—

20 (1) the President determines, pursuant to such
21 regulations as the President may prescribe, that the
22 United States person establishes or maintains a sub-
23 sidiary outside of the United States for the purpose
24 of circumventing such provisions; and

1 (2) that subsidiary engages in an act that, if
2 committed in the United States or by a United
3 States person, would violate such provisions.

4 (c) WAIVER.—The President may waive the applica-
5 tion of subsection (b) if the President—

6 (1) determines that such a waiver is in the na-
7 tional interest of the United States; and

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

11 (d) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Subsection (b) shall take ef-
13 fect on the date of the enactment of this Act and
14 apply with respect to acts described in subsection
15 (b)(2) that are—

16 (A) commenced on or after the date of the
17 enactment of this Act; or

18 (B) except as provided in paragraph (2),
19 commenced before such date of enactment, if
20 such acts continue on or after such date of en-
21 actment.

22 (2) EXCEPTION.—Subsection (b) shall not
23 apply with respect to an act described in paragraph
24 (1)(B) by a subsidiary owned or controlled by a
25 United States person if the United States person di-

1 vests or terminates its business with the subsidiary
2 not later than 90 days after the date of the enact-
3 ment of this Act.

4 **SEC. 105. PROHIBITION ON PROCUREMENT CONTRACTS**
5 **WITH PERSONS THAT EXPORT SENSITIVE**
6 **TECHNOLOGY TO IRAN.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, and pursuant to such regulations as the Presi-
9 dent may prescribe, the head of an executive agency may
10 not enter into or renew a contract for the procurement
11 of goods or services with a person that exports sensitive
12 technology to Iran.

13 (b) WAIVER.—The President may waive the applica-
14 tion of the prohibition under subsection (a) if the Presi-
15 dent—

16 (1) determines that such a waiver is in the na-
17 tional interest of the United States; and

18 (2) submits to Congress a report describing the
19 reasons for the determination.

20 (c) SENSITIVE TECHNOLOGY DEFINED.—The term
21 “sensitive technology” means hardware, software, tele-
22 communications equipment, or any other technology that
23 the President determines is to be used specifically—

24 (1) to restrict the free flow of unbiased infor-
25 mation in Iran; or

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

3 **SEC. 106. INCREASED CAPACITY FOR EFFORTS TO COMBAT**
4 **UNLAWFUL OR TERRORIST FINANCING.**

5 (a) FINDING.—Congress finds that the work of the
6 Office of Terrorism and Financial Intelligence of the De-
7 partment of the Treasury, which includes the Office of
8 Foreign Assets Control and the Financial Crimes Enforce-
9 ment Network, is critical to ensuring that the inter-
10 national financial system is not used for purposes of sup-
11 porting terrorism and developing weapons of mass de-
12 struction.

13 (b) AUTHORIZATION OF APPROPRIATIONS FOR OF-
14 FICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—
15 There are authorized to be appropriated to the Secretary
16 of the Treasury for the Office of Terrorism and Financial
17 Intelligence—

18 (1) \$64,611,000 for fiscal year 2010; and

19 (2) such sums as may be necessary for each of
20 the fiscal years 2011 and 2012.

21 (c) AUTHORIZATION OF APPROPRIATIONS FOR THE
22 FINANCIAL CRIMES ENFORCEMENT NETWORK.—Section
23 310(d)(1) of title 31, United States Code, is amended by
24 striking “such sums as may be necessary for fiscal years
25 2002, 2003, 2004, and 2005” and inserting

1 “\$104,260,000 for fiscal year 2010 and such sums as may
2 be necessary for each of the fiscal years 2011 and 2012”.

3 **SEC. 107. REPORTING REQUIREMENTS.**

4 (a) REPORT ON INVESTMENT AND ACTIVITIES THAT
5 MAY BE SANCTIONABLE UNDER IRAN SANCTIONS ACT
6 OF 1996.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the
9 President shall submit to the appropriate congress-
10 sional committees a report containing—

11 (A) a description of—

12 (i) any foreign investments of
13 \$20,000,000 or more that contribute di-
14 rectly and significantly to the enhancement
15 of Iran’s ability to develop petroleum re-
16 sources made during the period described
17 in paragraph (2);

18 (ii) any sale, lease, or provision to
19 Iran during the period described in para-
20 graph (2) of any goods, services, tech-
21 nology, information, or support that would
22 facilitate the maintenance or expansion of
23 Iran’s domestic production of refined pe-
24 troleum products; and

1 (iii) any refined petroleum products
2 provided to Iran during the period de-
3 scribed in paragraph (2) and any other ac-
4 tivity that could contribute directly and
5 significantly to the enhancement of Iran's
6 ability to import refined petroleum prod-
7 ucts during that period;

8 (B) with respect to each investment or
9 other activity described in subparagraph (A), an
10 identification of—

11 (i) the date or dates of the investment
12 or activity;

13 (ii) the steps taken by the United
14 States to respond to the investment or ac-
15 tivity;

16 (iii) the name and United States
17 domiciliary of any person that participated
18 or invested in or facilitated the investment
19 or activity; and

20 (iv) any Federal Government con-
21 tracts to which any person referred to in
22 clause (iii) are parties; and

23 (C) the determination of the President
24 with respect to whether each such investment or
25 activity qualifies as a sanctionable offense

1 under section 5(a) of the Iran Sanctions Act of
2 1996 (Public Law 104–172; 50 U.S.C. 1701
3 note).

4 (2) PERIOD DESCRIBED.—The period described
5 in this paragraph is the period beginning on Janu-
6 ary 1, 2009, and ending on the date on which the
7 President submits the report under paragraph (1).

8 (b) SUBSEQUENT REPORTS.—Not later than 1 year
9 after the date of the enactment of this Act, and every 180
10 days thereafter, the President shall submit to the appro-
11 priate congressional committees an updated version of the
12 report required under subsection (a) that contains the in-
13 formation required under that subsection for the 180-day
14 period preceding the submission of the updated report.

15 (c) FORM OF REPORTS; PUBLICATION.—A report
16 submitted under subsection (a) or (b) shall be submitted
17 in unclassified form, but may contain a classified annex.
18 The unclassified portion of the report shall be published
19 in the Federal Register.

20 **SEC. 108. SENSE OF CONGRESS REGARDING THE IMPOSI-**
21 **TION OF SANCTIONS ON THE CENTRAL BANK**
22 **OF IRAN.**

23 Congress urges the President, in the strongest terms,
24 to consider immediately using the authority of the Presi-
25 dent to impose sanctions on the Central Bank of Iran and

1 any other Iranian bank engaged in proliferation activities
2 or support of terrorist groups.

3 **SEC. 109. POLICY OF THE UNITED STATES REGARDING**
4 **IRAN'S REVOLUTIONARY GUARD CORPS AND**
5 **ITS AFFILIATES.**

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

8 (1) continue to target Iran's Revolutionary
9 Guard Corps persistently with economic sanctions
10 for its support for terrorism, its role in proliferation,
11 and its oppressive activities against the people of
12 Iran; and

13 (2) impose sanctions, including travel restric-
14 tions, sanctions authorized pursuant to this Act, and
15 the full range of sanctions available to the President
16 under the International Emergency Economic Pow-
17 ers Act (50 U.S.C. 1701 et seq.), on—

18 (A) any foreign individual or entity that is
19 an agent, alias, front, instrumentality, official,
20 or affiliate of Iran's Revolutionary Guard Corps
21 and is designated for the imposition of sanc-
22 tions by the President;

23 (B) any individual or entity who—

24 (i) has provided material support to
25 Iran's Revolutionary Guard Corps or any

1 of its affiliates designated for the imposi-
2 tion of sanctions by the President; or

3 (ii) has conducted any financial or
4 commercial transaction with Iran's Revolu-
5 tionary Guard Corps or any of its affiliates
6 so designated; and

7 (C) any foreign government found—

8 (i) to be providing material support to
9 Iran's Revolutionary Guard Corps or any
10 of its affiliates designated for the imposi-
11 tion of sanctions by the President; or

12 (ii) to have conducted any commercial
13 transaction or financial transaction with
14 Iran's Revolutionary Guard Corps or any
15 of its affiliates so designated.

16 **SEC. 110. POLICY OF THE UNITED STATES WITH RESPECT**
17 **TO IRAN AND HEZBOLLAH.**

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

20 (1) continue to counter support received by
21 Hezbollah from the Government of Iran and other
22 foreign governments in response to Hezbollah's ter-
23 rorist activities and the threat Hezbollah poses to
24 Israel, the democratic sovereignty of Lebanon, and
25 the national security interests of the United States;

1 (2) impose the full range of sanctions available
2 to the President under the International Emergency
3 Economic Powers Act (50 U.S.C. 1701 et seq.) on
4 Hezbollah, its designated affiliates and supporters,
5 and persons providing Hezbollah with commercial,
6 financial, or other services;

7 (3) urge the European Union, individual coun-
8 tries in Europe, and other countries to classify
9 Hezbollah as a terrorist organization to facilitate the
10 disruption of Hezbollah's operations; and

11 (4) renew international efforts to disarm
12 Hezbollah and disband its militias in Lebanon, as
13 called for by United Nations Security Council Reso-
14 lutions 1559 (2004) and 1701 (2006).

15 **SEC. 111. SENSE OF CONGRESS REGARDING THE IMPOSI-**
16 **TION OF MULTILATERAL SANCTIONS WITH**
17 **RESPECT TO IRAN.**

18 It is the sense of Congress that—

19 (1) in general, multilateral sanctions are more
20 effective than unilateral sanctions at achieving de-
21 sired results from countries such as Iran;

22 (2) the President should continue to work with
23 allies of the United States to impose such sanctions
24 as may be necessary to prevent the Government of

1 Iran from acquiring a nuclear weapons capability;
2 and

3 (3) the United States should continue to con-
4 sult with the 5 permanent members of the United
5 Nations Security Council and Germany (commonly
6 referred to as the “P5-plus-1”) and other interested
7 countries regarding imposing new sanctions with re-
8 spect to Iran in the event that diplomatic efforts to
9 prevent Iran from acquiring a nuclear weapons capa-
10 bility fail.

11 **TITLE II—DIVESTMENT FROM**
12 **CERTAIN COMPANIES THAT**
13 **INVEST IN IRAN**

14 **SEC. 201. DEFINITIONS.**

15 In this title:

16 (1) ENERGY SECTOR.—The term “energy sec-
17 tor” refers to activities to develop petroleum or nat-
18 ural gas resources or nuclear power.

19 (2) FINANCIAL INSTITUTION.—The term “fi-
20 nancial institution” has the meaning given that term
21 in section 14(5) of the Iran Sanctions Act of 1996
22 (Public Law 104–172; 50 U.S.C. 1701 note).

23 (3) IRAN.—The term “Iran” includes any agen-
24 cy or instrumentality of Iran.

25 (4) PERSON.—The term “person” means—

1 (A) a natural person, corporation, com-
2 pany, business association, partnership, society,
3 trust, or any other nongovernmental entity, or-
4 ganization, or group;

5 (B) any governmental entity or instrumen-
6 tality of a government, including a multilateral
7 development institution (as defined in section
8 1701(c)(3) of the International Financial Insti-
9 tutions Act (22 U.S.C. 262r(c)(3))); and

10 (C) any successor, subunit, parent com-
11 pany, or subsidiary of any entity described in
12 subparagraph (A) or (B).

13 (5) STATE.—The term “State” means each of
14 the several States, the District of Columbia, the
15 Commonwealth of Puerto Rico, the United States
16 Virgin Islands, Guam, American Samoa, and the
17 Commonwealth of the Northern Mariana Islands.

18 (6) STATE OR LOCAL GOVERNMENT.—The term
19 “State or local government” includes—

20 (A) any State and any agency or instru-
21 mentality thereof;

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

24 (C) any other governmental instrumen-
25 tality; and

1 (D) any public institution of higher edu-
2 cation within the meaning of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1001 et seq.).

4 **SEC. 202. AUTHORITY OF STATE AND LOCAL GOVERN-**
5 **MENTS TO DIVEST FROM CERTAIN COMPA-**
6 **NIES THAT INVEST IN IRAN.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the United States Government should support
9 the decision of any State or local government that for
10 moral, prudential, or reputational reasons divests from, or
11 prohibits the investment of assets of the State or local gov-
12 ernment in, a person that engages in investment activities
13 in the energy sector of Iran, as long as that country is
14 subject to economic sanctions imposed by the United
15 States.

16 (b) AUTHORITY TO DIVEST.—Notwithstanding any
17 other provision of law, a State or local government may
18 adopt and enforce measures that meet the requirements
19 of subsection (d) to divest the assets of the State or local
20 government from, or prohibit investment of the assets of
21 the State or local government in, any person that the
22 State or local government determines, using credible infor-
23 mation available to the public, engages in investment ac-
24 tivities in Iran described in subsection (c).

1 (c) INVESTMENT ACTIVITIES DESCRIBED.—A person
2 engages in investment activities in Iran described in this
3 subsection if the person—

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

10 (2) is a financial institution that extends
11 \$20,000,000 or more in credit to another person, for
12 45 days or more, if that person will use the credit
13 to invest in the energy sector in Iran.

14 (d) REQUIREMENTS.—Any measure taken by a State
15 or local government under subsection (b) shall meet the
16 following requirements:

17 (1) NOTICE.—The State or local government
18 shall provide written notice to each person to which
19 a measure is to be applied.

20 (2) TIMING.—The measure shall apply to a per-
21 son not earlier than the date that is 90 days after
22 the date on which written notice is provided to the
23 person under paragraph (1).

24 (3) OPPORTUNITY FOR HEARING.—The State
25 or local government shall provide an opportunity to

1 comment in writing to each person to which a meas-
2 ure is to be applied. If the person demonstrates to
3 the State or local government that the person does
4 not engage in investment activities in Iran described
5 in subsection (c), the measure shall not apply to the
6 person.

7 (4) SENSE OF CONGRESS ON AVOIDING ERRO-
8 NEOUS TARGETING.—It is the sense of Congress
9 that a State or local government should not adopt
10 a measure under subsection (b) with respect to a
11 person unless the State or local government has
12 made every effort to avoid erroneously targeting the
13 person and has verified that the person engages in
14 investment activities in Iran described in subsection
15 (c).

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

21 (f) NONPREEMPTION.—A measure of a State or local
22 government authorized under subsection (b) is not pre-
23 empted by any Federal law or regulation.

24 (g) DEFINITIONS.—In this section:

1 (1) INVESTMENT.—The “investment” of assets,
2 with respect to a State or local government, in-
3 cludes—

4 (A) a commitment or contribution of as-
5 sets;

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

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

9 (2) ASSETS.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), the term “assets” refers to
12 public monies and includes any pension, retire-
13 ment, annuity, or endowment fund, or similar
14 instrument, that is controlled by a State or
15 local government.

16 (B) EXCEPTION.—The term “assets” does
17 not include employee benefit plans covered by
18 title I of the Employee Retirement Income Se-
19 curity Act of 1974 (29 U.S.C. 1001 et seq.).

20 (h) EFFECTIVE DATE.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), this section applies to measures adopted
23 by a State or local government before, on, or after
24 the date of the enactment of this Act.

1 (2) NOTICE REQUIREMENTS.—Subsections (d)
 2 and (e) apply to measures adopted by a State or
 3 local government on or after the date of the enact-
 4 ment of this Act.

5 **SEC. 203. SAFE HARBOR FOR CHANGES OF INVESTMENT**
 6 **POLICIES BY ASSET MANAGERS.**

7 (a) IN GENERAL.—Section 13(c)(1) of the Invest-
 8 ment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is
 9 amended to read as follows:

10 “(1) IN GENERAL.—Notwithstanding any other
 11 provision of Federal or State law, no person may
 12 bring any civil, criminal, or administrative action
 13 against any registered investment company, or any
 14 employee, officer, director, or investment adviser
 15 thereof, based solely upon the investment company
 16 divesting from, or avoiding investing in, securities
 17 issued by persons that the investment company de-
 18 termines, using credible information available to the
 19 public—

20 “(A) conduct or have direct investments in
 21 business operations in Sudan described in sec-
 22 tion 3(d) of the Sudan Accountability and Di-
 23 vestment Act of 2007 (50 U.S.C. 1701 note); or

24 “(B) engage in investment activities in
 25 Iran described in section 202(c) of the Com-

1 prehensive Iran Sanctions, Accountability, and
2 Divestment Act of 2009.”.

3 (b) SEC REGULATIONS.—Not later than 120 days
4 after the date of the enactment of this Act, the Securities
5 and Exchange Commission shall issue any revisions the
6 Commission determines to be necessary to the regulations
7 requiring disclosure by each registered investment com-
8 pany that divests itself of securities in accordance with
9 section 13(c) of the Investment Company Act of 1940 to
10 include divestments of securities in accordance with para-
11 graph (1)(B) of such section, as added by subsection (a).

12 **SEC. 204. SENSE OF CONGRESS REGARDING CERTAIN**
13 **ERISA PLAN INVESTMENTS.**

14 It is the sense of Congress that a fiduciary of an em-
15 ployee benefit plan, as defined in section 3(3) of the Em-
16 ployee Retirement Income Security Act of 1974 (29
17 U.S.C. 1002(3)), may divest plan assets from, or avoid
18 investing plan assets in, any person the fiduciary deter-
19 mines engages in investment activities in Iran described
20 in section 202(c) of this Act, without breaching the re-
21 sponsibilities, obligations, or duties imposed upon the fidu-
22 ciary by section 404 of the Employee Retirement Income
23 Security Act of 1974 (29 U.S.C. 1104), if—

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

4 (2) such divestment or avoidance of investment
5 is conducted in accordance with section 2509.08–1
6 of title 29, Code of Federal Regulations (as in effect
7 on the day before the date of the enactment of this
8 Act).

9 **TITLE III—PREVENTION OF**
10 **TRANSSHIPMENT, REEXPOR-**
11 **TATION, OR DIVERSION OF**
12 **SENSITIVE ITEMS TO IRAN**

13 **SEC. 301. DEFINITIONS.**

14 In this title:

15 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
16 **TEES.**—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Banking, Housing,
19 and Urban Affairs, the Committee on Foreign
20 Relations, and the Select Committee on Intel-
21 ligence of the Senate; and

22 (B) the Committee on Financial Services,
23 the Committee on Foreign Affairs, and the Per-
24 manent Select Committee on Intelligence of the
25 House of Representatives.

1 (2) END-USER.—The term “end-user” means
2 an end-user as that term is used in the Export Ad-
3 ministration Regulations.

4 (3) EXPORT ADMINISTRATION REGULATIONS.—
5 The term “Export Administration Regulations”
6 means subchapter C of chapter VII of title 15, Code
7 of Federal Regulations.

8 (4) GOVERNMENT.—The term “government”
9 includes any agency or instrumentality of a govern-
10 ment.

11 (5) IRAN.—The term “Iran” includes any agen-
12 cy or instrumentality of Iran.

13 (6) STATE SPONSOR OF TERRORISM.—The term
14 “state sponsor of terrorism” means any country the
15 government of which the Secretary of State has de-
16 termined has repeatedly provided support for acts of
17 international terrorism pursuant to—

18 (A) section 6(j)(1)(A) of the Export Ad-
19 ministration Act of 1979 (50 U.S.C. App.
20 2405(j)(1)(A)) (or any successor thereto);

21 (B) section 40(d) of the Arms Export Con-
22 trol Act (22 U.S.C. 2780(d)); or

23 (C) section 620A(a) of the Foreign Assist-
24 ance Act of 1961 (22 U.S.C. 2371(a)).

1 (7) TRANSSHIPMENT, REEXPORTATION, OR DI-
2 VERSION.—The term “transshipment, reexportation,
3 or diversion” means the exportation, directly or indi-
4 rectly, of items that originated in the United States
5 to an end-user whose identity cannot be verified or
6 to an entity in Iran in violation of the laws or regu-
7 lations of the United States by any means, including
8 by—

9 (A) shipping such items through 1 or more
10 foreign countries; or

11 (B) by using false information regarding
12 the country of origin of such items.

13 **SEC. 302. IDENTIFICATION OF LOCATIONS OF CONCERN**
14 **WITH RESPECT TO TRANSSHIPMENT, RE-**
15 **EXPORTATION, OR DIVERSION OF CERTAIN**
16 **ITEMS TO IRAN.**

17 Not later than 180 days after the date of the enact-
18 ment of this Act, and annually thereafter, the Director
19 of National Intelligence shall submit to the Secretary of
20 Commerce, the Secretary of State, the Secretary of the
21 Treasury, and the appropriate congressional committees
22 a report that identifies all countries that the Director de-
23 termines are of concern with respect to transshipment, re-
24 exportation, or diversion of items subject to the provisions

1 of the Export Administration Regulations to an entity in
2 Iran.

3 **SEC. 303. DESTINATIONS OF POSSIBLE DIVERSION CON-**
4 **CERN AND DESTINATIONS OF DIVERSION**
5 **CONCERN.**

6 (a) DESTINATIONS OF POSSIBLE DIVERSION CON-
7 CERN.—

8 (1) DESIGNATION.—The Secretary of Com-
9 merce shall designate a country as a Destination of
10 Possible Diversion Concern if the Secretary, in con-
11 sultation with the Secretary of State and the Sec-
12 retary of the Treasury, determines that such des-
13 ignation is appropriate to carry out activities to
14 strengthen the export control systems of that coun-
15 try based on criteria that include—

16 (A) the volume of items that originated in
17 the United States that are transported through
18 the country to end-users whose identities cannot
19 be verified;

20 (B) the inadequacy of the export and reex-
21 port controls of the country;

22 (C) the unwillingness or demonstrated in-
23 ability of the government of the country to con-
24 trol diversion activities; and

1 (D) the unwillingness or inability of the
2 government of the country to cooperate with the
3 United States in interdiction efforts.

4 (2) STRENGTHENING EXPORT CONTROL SYS-
5 TEMS OF DESTINATIONS OF POSSIBLE DIVERSION
6 CONCERN.—If the Secretary of Commerce designates
7 a country as a Destination of Possible Diversion
8 Concern under paragraph (1), the United States
9 shall initiate government-to-government activities de-
10 scribed in paragraph (3) to strengthen the export
11 control systems of the country.

12 (3) GOVERNMENT-TO-GOVERNMENT ACTIVITIES
13 DESCRIBED.—The government-to-government activi-
14 ties described in this paragraph include—

15 (A) cooperation by agencies and depart-
16 ments of the United States with counterpart
17 agencies and departments in a country des-
18 igned as a Destination of Possible Diversion
19 Concern under paragraph (1) to—

20 (i) develop or strengthen export con-
21 trol systems in the country;

22 (ii) strengthen cooperation and facili-
23 tate enforcement of export control systems
24 in the country; and

1 (iii) promote information and data ex-
2 changes among agencies of the country
3 and with the United States; and

4 (B) efforts by the Office of International
5 Programs of the Department of Commerce to
6 strengthen the export control systems of the
7 country to—

8 (i) facilitate legitimate trade in high-
9 technology goods; and

10 (ii) prevent terrorists and state spon-
11 sors of terrorism, including Iran, from ob-
12 taining nuclear, biological, and chemical
13 weapons, defense technologies, components
14 for improvised explosive devices, and other
15 defense items.

16 (b) DESTINATIONS OF DIVERSION CONCERN.—

17 (1) DESIGNATION.—The Secretary of Com-
18 merce shall designate a country as a Destination of
19 Diversion Concern if the Secretary, in consultation
20 with the Secretary of State and the Secretary of the
21 Treasury, determines—

22 (A) that the government of the country al-
23 lows substantial transshipment, reexportation,
24 or diversion of items that originated in the

1 United States to end-users whose identities cannot be verified or to entities in Iran; or

2
3 (B) 12 months after the Secretary of Commerce designates the country as a Destination of Possible Diversion Concern under subsection

4
5
6 (a)(1), that the country has failed—

7 (i) to cooperate with the government-to-government activities initiated by the

8
9 United States under subsection (a)(2); or

10 (ii) based on the criteria described in

11 subsection (a)(1), to adequately strengthen

12 the export control systems of the country.

13 (2) LICENSING CONTROLS WITH RESPECT TO

14 DESTINATIONS OF DIVERSION CONCERN.—

15 (A) REPORT ON SUSPECT ITEMS.—

16 (i) IN GENERAL.—Not later than 45

17 days after the date of the enactment of

18 this Act, the Secretary of Commerce, in

19 consultation with the Director of National

20 Intelligence, the Secretary of State, and

21 the Secretary of the Treasury, shall submit

22 to the appropriate congressional committees a report containing a list of items

23 that, if the items were transshipped, reex-

24

1 ported, or diverted to Iran, could con-
2 tribute to—

3 (I) Iran obtaining nuclear, bio-
4 logical, or chemical weapons, defense
5 technologies, components for impro-
6 vised explosive devices, or other de-
7 fense items; or

8 (II) support by Iran for acts of
9 international terrorism.

10 (ii) CONSIDERATIONS FOR LIST.—In
11 developing the list required under clause
12 (i), the Secretary of Commerce shall con-
13 sider—

14 (I) the items subject to licensing
15 requirements under section 742.8 of
16 title 15, Code of Federal Regulations
17 (or any corresponding similar regula-
18 tion or ruling) and other existing li-
19 censing requirements; and

20 (II) the items added to the list of
21 items for which a license is required
22 for exportation to North Korea by the
23 final rule of the Bureau of Export Ad-
24 ministration of the Department of
25 Commerce issued on June 19, 2000

1 (65 Fed. Reg. 38148; relating to ex-
2 port restrictions on North Korea).

3 (B) LICENSING REQUIREMENT.—Not later
4 than 180 days after the date of the enactment
5 of this Act, the Secretary of Commerce shall re-
6 quire a license to export an item on the list re-
7 quired under subparagraph (A)(i) to a country
8 designated as a Destination of Diversion Con-
9 cern.

10 (C) WAIVER.—The President may waive
11 the imposition of the licensing requirement
12 under subparagraph (B) with respect to a coun-
13 try designated as a Destination of Diversion
14 Concern if the President—

15 (i) determines that such a waiver is in
16 the national interest of the United States;
17 and

18 (ii) submits to the appropriate con-
19 gressional committees a report describing
20 the reasons for the determination.

21 (c) TERMINATION OF DESIGNATION.—The designa-
22 tion of a country as a Destination of Possible Diversion
23 Concern or a Destination of Diversion Concern shall ter-
24minate on the date on which the Secretary of Commerce
25 determines, based on the criteria described in subpara-

1 graphs (A) through (D) of subsection (a)(1), and certifies
2 to Congress and the President that the country has ade-
3 quately strengthened the export control systems of the
4 country to prevent transshipment, reexportation, and di-
5 version of items through the country to end-users whose
6 identities cannot be verified or to entities in Iran.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as may be
9 necessary to carry out this section.

10 **SEC. 304. REPORT ON EXPANDING DIVERSION CONCERN**
11 **SYSTEM TO COUNTRIES OTHER THAN IRAN.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Director of National Intelligence, in
14 consultation with the Secretary of Commerce, the Sec-
15 retary of State, and the Secretary of the Treasury, shall
16 submit to the appropriate congressional committees a re-
17 port that—

18 (1) identifies any country that the Director de-
19 termines may be transshipping, reexporting, or di-
20 verting items subject to the provisions of the Export
21 Administration Regulations to another country if
22 such other country—

23 (A) is seeking to obtain nuclear, biological,
24 or chemical weapons, defense technologies, com-

1 ponents for improvised explosive devices, or
2 other defense items; or

3 (B) provides support for acts of inter-
4 national terrorism; and

5 (2) assesses the feasibility and advisability of
6 expanding the system established under section 303
7 for designating countries as Destinations of Possible
8 Diversion Concern and Destinations of Diversion
9 Concern to include countries identified under para-
10 graph (1).

11 **TITLE IV—EFFECTIVE DATE;** 12 **SUNSET**

13 **SEC. 401. EFFECTIVE DATE; SUNSET.**

14 (a) **EFFECTIVE DATE.**—Except as provided in sec-
15 tions 104, 202, and 303(b)(2), the provisions of, and
16 amendments made by, this Act shall take effect on the
17 date that is 120 days after the date of the enactment of
18 this Act.

19 (b) **SUNSET.**—The provisions of this Act shall termi-
20 nate on the date that is 30 days after the date on which
21 the President certifies to Congress that—

22 (1) the Government of Iran has ceased pro-
23 viding support for acts of international terrorism
24 and no longer satisfies the requirements for designa-
25 tion as a state sponsor of terrorism under—

1 (A) section 6(j)(1)(A) of the Export Ad-
2 ministration Act of 1979 (50 U.S.C. App.
3 2405(j)(1)(A)) (or any successor thereto);

4 (B) section 40(d) of the Arms Export Con-
5 trol Act (22 U.S.C. 2780(d)); or

6 (C) section 620A(a) of the Foreign Assist-
7 ance Act of 1961 (22 U.S.C. 2371(a)); and

8 (2) Iran has ceased the pursuit, acquisition,
9 and development of nuclear, biological, and chemical
10 weapons and ballistic missiles and ballistic missile
11 launch technology.

Passed the Senate January 28, 2010.

Attest:

Secretary.

117TH CONGRESS
2D SESSION

S. 2799

AN ACT

To expand the Iran Sanctions Act of 1996, to provide for the divestment of assets in Iran by State and local governments and other entities, to identify locations of concern with respect to transshipment, reexportation, or diversion of certain sensitive items to Iran, and for other purposes.