

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

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#### § 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-