

(Pub. L. 115-44, title I, §108, Aug. 2, 2017, 131 Stat. 894.)

REFERENCES IN TEXT

Executive Order No. 13382, referred to in subsecs. (a)(2)(A) and (b), is Ex. Ord. No. 13382, June 28, 2005, 70 F.R. 38567, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13224, referred to in subsecs. (a)(2)(B) and (b), is Ex. Ord. No. 13224, Sept. 23, 2001, 66 F.R. 49079, which is listed in a table under section 1701 of Title 50, War and National Defense.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Memorandum of President of the United States, Oct. 11, 2017, 82 F.R. 50051, set out as a note under section 9403 of this title.

§ 9408. Report on coordination of sanctions between the United States and the European Union

(a) In general

Not later than 180 days after August 2, 2017, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report that includes the following:

(1) A description of each instance, during the period specified in subsection (b)—

(A) in which the United States has imposed sanctions with respect to a person for activity related to the proliferation of weapons of mass destruction or delivery systems for such weapons to or by Iran, support for acts of international terrorism by Iran, or human rights abuses in Iran, but in which the European Union has not imposed corresponding sanctions; and

(B) in which the European Union has imposed sanctions with respect to a person for activity related to the proliferation of weapons of mass destruction or delivery systems for such weapons to or by Iran, support for acts of international terrorism by Iran, or human rights abuses in Iran, but in which the United States has not imposed corresponding sanctions.

(2) An explanation for the reason for each discrepancy between sanctions imposed by the European Union and sanctions imposed by the United States described in subparagraphs (A) and (B) of paragraph (1).

(b) Period specified

The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the period beginning on August 2, 2017, and ending on the date the report is submitted; and

(2) in the case of a subsequent such report, the 180-day period preceding the submission of the report.

(c) Form of report

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

(Pub. L. 115-44, title I, §109, Aug. 2, 2017, 131 Stat. 895.)

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section to the Secretary of State, in consultation with

the Secretary of the Treasury, see section 1(b)(v) of Memorandum of President of the United States, Oct. 11, 2017, 82 F.R. 50051, set out in a note under section 9403 of this title.

§ 9409. Report on United States citizens detained by Iran

(a) In general

Not later than 90 days after August 2, 2017, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and leadership a report on United States citizens, including United States citizens who are also citizens of other countries, detained by Iran or groups supported by Iran that includes—

(1) information regarding any officials of the Government of Iran involved in any way in the detentions; and

(2) a summary of efforts the United States Government has taken to secure the swift release of those United States citizens.

(b) Form of report

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

(c) Appropriate congressional committees and leadership defined

In this section, the term “appropriate congressional committees and leadership” means—

(1) the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the majority and minority leaders of the Senate; and

(2) the Committee on Ways and Means, the Committee on Financial Services, the Committee on Foreign Affairs, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(Pub. L. 115-44, title I, §110, Aug. 2, 2017, 131 Stat. 896.)

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section to the Secretary of State, see section 1(a) of Memorandum of President of the United States, Oct. 11, 2017, 82 F.R. 50051, set out in a note under section 9403 of this title.

§ 9410. Exceptions for national security and humanitarian assistance; rule of construction

(a) In general

The following activities shall be exempt from sanctions under sections 9403, 9404, 9405, and 9406 of this title:

(1) Any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States.

(2) The admission of an alien to the United States if such admission is necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or under the Convention on Consular Relations, done at Vienna

April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations of the United States.

(3) The conduct or facilitation of 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, including engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes or transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes.

(b) Implementation

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

(c) Rule of construction

Nothing in this chapter shall be construed to limit the authority of the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(d) Definitions

In this section:

(1) Agricultural commodity

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

(2) Good

The term “good” has the meaning given that term in section 4618¹ of title 50 (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(3) Medical device

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

(4) Medicine

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

(Pub. L. 115–44, title I, §111, Aug. 2, 2017, 131 Stat. 896.)

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (a)(1), is act July 26, 1947, ch. 343, 61 Stat. 495. Title V of the Act is classified generally to subchapter III (§3091 et seq.) of chapter 44 of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in subsecs. (b) and (c), was in the original “this Act”, and was translated as reading “this title”, meaning title I of Pub. L. 115–44, known as the Countering Iran’s Destabilizing Activities Act of 2017, to reflect the probable intent of Congress.

The International Emergency Economic Powers Act, referred to in subsecs. (c) and (d)(2), 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.

Section 4618 of title 50, referred to in subsec. (d)(2), was repealed by Pub. L. 115–232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

¹ See References in Text note below.

DELEGATION OF FUNCTIONS

For delegation of functions of President under subsec. (b) of this section to the Secretary of State and the Secretary of the Treasury, see section 1(e)(iii) of Memorandum of President of the United States, Oct. 11, 2017, 82 F.R. 50052, set out in a note under section 9403 of this title.

§ 9411. Presidential waiver authority

(a) Case-by-case waiver authority

(1) In general

The President may waive, on a case-by-case basis and for a period of not more than 180 days, a requirement under section 9403, 9404, 9405, 9406, or 9407 of this title to impose or maintain sanctions with respect to a person, and may waive the continued imposition of such sanctions, not less than 30 days after the President determines and reports to the appropriate congressional committees that it is vital to the national security interests of the United States to waive such sanctions.

(2) Renewal of waivers

The President may, on a case-by-case basis, renew a waiver under paragraph (1) for an additional period of not more than 180 days if, not later than 15 days before that waiver expires, the President makes the determination and submits to the appropriate congressional committees a report described in paragraph (1).

(3) Successive renewal

The renewal authority provided under paragraph (2) may be exercised for additional successive periods of not more than 180 days if the President follows the procedures set forth in paragraph (2), and submits the report described in paragraph (1), for each such renewal.

(b) Contents of waiver reports

Each report submitted under subsection (a) in connection with a waiver of sanctions under section 9403, 9404, 9405, 9406, or 9407 of this title with respect to a person, or the renewal of such a waiver, shall include—

(1) a specific and detailed rationale for the determination that the waiver is vital to the national security interests of the United States;

(2) a description of the activity that resulted in the person being subject to sanctions;

(3) an explanation of any efforts made by the United States, as applicable, to secure the cooperation of the government with primary jurisdiction over the person or the location where the activity described in paragraph (2) occurred in terminating or, as appropriate, penalizing the activity; and

(4) an assessment of the significance of the activity described in paragraph (2) in contributing to the ability of Iran to threaten the interests of the United States or allies of the United States, develop systems capable of delivering weapons of mass destruction, support acts of international terrorism, or violate the human rights of any person in Iran.

(c) Effect of report on waiver

If the President submits a report under subsection (a) in connection with a waiver of sanc-