

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

REFERENCES IN TEXT

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

CODIFICATION

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

AMENDMENTS

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

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

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

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

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

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

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

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

EFFECTIVE DATE OF 2012 AMENDMENT

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

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

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

DELEGATION OF FUNCTIONS

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

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

Memorandum of President of the United States, Jan. 20, 2014, 79 F.R. 6453, provided:

Memorandum for the Secretary of State

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 of the United States Code, I hereby delegate to the Secretary of State, in consultation with the Secretary of the Treasury, the authority conferred upon the President by section 1245(d)(5) of the Fiscal Year (FY) 2012 National Defense Authorization Act (NDAA).

Any reference in this memorandum to provisions of the FY 2012 NDAA 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.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

PRESIDENTIAL DETERMINATIONS RELATING TO PETROLEUM OR PETROLEUM PRODUCTS FROM IRAN

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

Determination of President of the United States, No. 2019–04, Oct. 31, 2018, 83 F.R. 57673.

Determination of President of the United States, No. 2018–08, May 14, 2018, 83 F.R. 26345.

Determination of President of the United States, No. 2018–1 [2018–01], Nov. 15, 2017, 82 F.R. 59503.

Determination of President of the United States, No. 2017–06, May 17, 2017, 82 F.R. 28391.

Determination of President of the United States, No. 2017–01, Nov. 14, 2016, 81 F.R. 85833.

Determination of President of the United States, No. 2016–06, May 19, 2016, 81 F.R. 37481.

Determination of President of the United States, No. 2016–03, Nov. 18, 2015, 80 F.R. 75921.

Determination of President of the United States, No. 2015–06, May 19, 2015, 80 F.R. 32851.

Determination of President of the United States, No. 2015–02, Nov. 21, 2014, 79 F.R. 71619.

Determination of President of the United States, No. 2014–11, June 4, 2014, 79 F.R. 33841.

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

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

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

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

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

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

(a) In general

Not later than 90 days after August 10, 2012, the Secretary of the Treasury shall revise the regulations prescribed under section 8513(c)(1) of this title to apply to a foreign financial institu-

tion described in subsection (b) to the same extent and in the same manner as those regulations apply to a foreign financial institution that the Secretary of the Treasury finds knowingly engages in an activity described in section 8513(c)(2) of this title.

(b) Foreign financial institutions described

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

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

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

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

(c) Reports required

(1) In general

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

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

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

(2) Form of report

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

(d) Definitions

In this section:

(1) Financial institution

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

(2) Foreign financial institution

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

(3) Iranian financial institution

The term “Iranian financial institution” means—

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

(B) a financial institution located in Iran;

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

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

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

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

(a) In general

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

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

(1) In general

Not later than 90 days after July 1, 2010, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Iran or persons acting on behalf of that Government (including members of paramilitary organizations such as Ansar-e-Hezbollah and Basij-e Mostaz’afin), that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009, regardless of whether such abuses occurred in Iran.

(2) Updates of list

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

(A) not later than 270 days after July 1, 2010, and every 180 days thereafter; and

(B) as new information becomes available.

(3) Form of report; public availability

(A) Form

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

(B) Public availability

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

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

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

(c) Sanctions described

The sanctions described in this subsection are ineligibility for a visa to enter the United